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ABSTRACT

This report examines the relationship between the federal government's child care programs and policies and the federal government's goal of equal opportunity for women. Specifically, the report reviews three dimensions of federal child care activities: programs and policies whose primary purpose is to assist families with child care: the provision of child care as part of major federal employment, training, and education programs: and the considerations given to child care by the federal government in its equal opportunity laws and in its role as an employer. Drawing on published journal articles and research reports, government documents, interviews with government officials, and interviews with other experts, the analysis attempts to clarify the extent to which these child care activities and policies frustrate the federal goal of equal opportunity for women. It is argued that although the development of equal opportunity policies over the last 15 years by federal statutes, court decrees, and agency actions has produced notable gains in women's labor force participation and educational enrollment, federal government's goal of equal opportunity for women has not been realized. Women as workers and students, especially minority women, continue to be disadvantaged when compared with men: women have considerably more difficulty in securing employment and are much less likely than men to complete college or to receive advanced job training. An appeal is made for changes in those policies and programs that restrict women's equal opportunity. (Author/MP)

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Child Care and Equal Opportunity for Women

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Committee on Post Office and Civil Service
United States Congress
June 1978

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- Study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;
- Submit reports, findings, and recommendations to the President and the Congress.

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Introductory Statement

The relationship between the availability of child care and women's access to equal opportunity in education and employment has been presented to this Commission in testimony on several occasions. This report reviews that relationship in terms of the adequacy of Federal policy and programs. It demonstrates that the Federal Government can do more to reconcile its diffuse child care policies with the policy of extending equal rights to women.

The Commission recognizes that parents must responsibly consider the necessity for child care, and the availability of child care, in making their family planning decisions. The report, however, presents a compelling analysis of the way in which women are often kept in poverty and dependence by the absence of adequate child care services. For some women, continuing their progress out of poverty to independence is seriously impeded by this obstacle to opportunity. The manner in which women may overcome this obstacle requires examination by Federal policymakers.

The Commission recognizes that child care policy encompasses a wide spectrum of issues that have not been and could not be addressed in this report. We believe that high priority must be given to the quality of child care provided. Public (Federal, State, and local) and private systems of child care ought to be available, providing the opportunity for parents to have the broadest feasible range of choice for the care of their children. The financial implications attendant on providing child care that is good for children, and treats the child care worker equitably in terms of salary and benefits, need serious consideration. The fact that this report does not address all of these and other policy issues should not be considered a reflection of the Commission's insensitivity to these questions.

The Commission is aware of the complexity of these issues. However, this complexity should not serve to block the creative efforts of Federal, State, and local government, together with religious institutions, community organizations, and private providers of day care, from increasing the availability of improved child care.

Not all women are impeded in their quest for equality by the lack of child care. Many women have the preference and resources to provide for their child care needs under a variety of arrangements, including abstention from work outside the home. On the other hand, for reasons of education, social conditioning, and lack of opportunity—cited in this Commission's numerous reports on the status and condition of women in our country—a far greater number of women with children find themselves without resources and facing the most difficult barriers to socioeconomic independence for themselves and their children.

Arthur S. Flemming, *Chairman*
Mary F. Berry, *Vice Chairman*
Stephen Horn, Commissioner
Blandina Cardenas Ramirez, Commissioner
Jill S. Ruckelshaus, Commissioner
Murrary Saltzman, Commissioner

ACKNOWLEDGMENTS

This report was completed under contract to the U.S. Commission on Civil Rights by the Wellesley College Center for Research on Women. The decision to develop the report grew out of the Commission's hearings in Chicago in 1974, which resulted in publication of a staff report, *Women and Poverty,* and identification of child care problems as a major contributor to the low economic status of women in this country. The Commission then decided that a separate study of this issue was critical.

Reliable and useful information regarding the impact of child care on women's equal opportunity is scattered and incomplete. The present report brings together much of the existing data. The Commission has decided to publish it as a contribution to the much needed debate over child care as a sex discrimination issue and to release the report under its clearinghouse responsibilities.

The report was written by James A. Levine, project director, Sharon Harlan, Michelle Seligson, Joseph Pleck, and Laura Lein of the Wellesley College Center for Research on Women.

It originated in the Commission's former Women's Rights Program Unit and was completed in the Office of Program Planning and Evaluation. Juanita Tamayo Lott served as contract manager. Helpful comments were provided by Dana Friedman in the initial design of this report. Revisions were handled by Martha Y. Jones. Sheila L. Lyon and Candy R. Wilson contributed secretarial support. Production assistance was provided by Publications Management Division staff members Bonnie Mathews, who edited the report, and Vivian M. Hauser and Vivian Washington, who prepared the report for publication. This project was accomplished under the overall supervision of Carol A. Bonosaro, Assistant Staff Director for Congressional and Public Affairs, except for final review and completion of the report, which was supervised by Eugene S. Mornell, Acting Assistant Staff Director for Program Planning and Evaluation.

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Preface

This report examines the relationship between the Federal Government's child care programs and policies and the Federal goal of equal opportunity for women. Although both have received considerable attention during the last 15 years, there has been relatively little effort to scrutinize the relationship between the two in any specific or systematic way. Social scientists and policymakers have been far more concerned with the effects of maternal employment and day care on children than they have been with the effects of the lack of child care—or of inadequate child care—on parents' lives. However, when the U.S. Commission on Civil Rights has studied the needs of women throughout the country, as it did in preparing its 1974 report, *Women and Poverty,* [1] and its 1979 report, *Women—Still in Poverty,* [2] the relationship between child care and equal opportunity has been apparent. Women are frequently unable to take advantage of educational and employment opportunities due to lack of or inadequate child care.

This report appraises the laws and policies of the Federal Government with respect to the provision of child care services to ascertain whether those policies result in discrimination or denial of equal protection of the laws on the basis of sex. Specifically, the report reviews three dimensions of Federal child care activity: programs and policies whose primary purpose is to assist families with child care; the provision of child care as part of major Federal employment, training, and education programs; and the consideration given to child care by the Federal Government in its equal opportunity laws and in its role as an employer. In all cases, the analysis attempts to clarify the extent to which child care policies either promote or frustrate the Federal goal of equal opportunity for women.

Because the relationship between child care and equal opportunity for women has not been systematically explored before, the data bearing on it are not extensive. This report draws, for the most part, on published journal articles and research reports, government documents, interviews with government officials, and interviews with other experts. It also refers to survey data collected by the so-called "women's magazines," which have, in certain respects, attempted to assess the child care needs of their readers more frequently than has the Federal Government. Although this report does not present extensive new data, it organizes existing information into a framework that sheds new light on the relationship between child care and equal opportunity for women and highlights the limitations of previous research.

In focusing on women, this report does not imply that child care is or should be

[1] U.S., Commission on Civil Rights, *Women and Poverty* (1974.)
[2] U.S., Commission on Civil Rights, *Women—Still in Poverty* (1979).

only a "women's issue." If women are to add work outside the home to full responsibility for child care, they will continue to be restricted in their opportunities for productive paid work and men will be restricted from the opportunity and responsibility of nurturing the young. Indeed, as long as private lives and public institutions are organized around the premise that child care is an exclusively female responsibility, equal opportunity will be unattainable.

Whenever possible and appropriate, this report attends to the impact of Federal programs and policies on male involvement in child care. It tries to recognize the interdependence of men and women without denying the reality that it is women, at the present time, who have the major responsibility for childrearing in this country.

This report does not intend, either explicitly or implicitly, to devalue that responsibility, to suggest in any way that women (or men) *should* work outside the home, or that they *should* make extrafamilial child care arrangements. While it recommends Federal policies that would expand the availability of child care services, it in no manner suggests that government should make childrearing decisions for families. Indeed, the analyses presented are premised on the importance of individual and family choice; simply put, they call for changes in those policies and programs that currently restrict women's choice of equal opportunity.

CHAPTER 1

Equal Opportunity for Women as a Federal Goal

Since the 1960s the United States Government has made it increasingly clear—through legislation, Executive orders, and judicial decisions—that equal opportunity for women in employment and education is a Federal goal. Congress first expressed the goal in 1963 with passage of the Equal Pay Act, which amended the Fair Labor Standards Act.[1] With this and other amendments, the Fair Labor Standards Act broadly prohibits wage discrimination based on sex in public and private employment.[2] Passage of Title VII[3] of the Civil Rights Act in 1964 extended the prohibition against sex discrimination in employment to include all classification, assignment, promotion, and training.[4] A new agency, the Equal Employment Opportunity Commission (EEOC), was created to enforce Title VII.

By the end of the 1960s and continuing through the next decade, agency regulations advanced equal opportunity policy from simple prohibition to affirmative action, and court decisions gave further definition to the application of antidiscrimination policies. Pursuant to Executive Order 11478,[5] the U.S. Civil Service Commission issued guidelines that required Federal agencies to develop and implement affirmative action plans for hiring minorities and women.[6] The U.S. Department of Labor's Office of Federal Contract Compliance laid down affirmative action guidelines for Federal contractors in Revised Order No. 4.[7] The courts prevented employers from creating artificial job classifications in order to pay women less than men *(Schultz v. Wheaton Glass Company* [8]), upheld the EEOC's narrow definition of the instances in which sex could justifiably be used as a bona fide occupational qualification *(Weeks v. Southern Bell Telephone and Telegraph Company* [9] and *Diaz v. Pan American World Airways, Inc.* [10]); ruled that newspapers could not carry "help-wanted" job advertisements in sex-designated columns *(Pittsburgh Press Company v. Pittsburgh Commission on Human Relations* [11]); and prohibited the exclusion of women from certain jobs on the basis of marital status and motherhood *(Sprogis v. United Airlines, Inc.* [12]).

It was not until efforts to achieve equal employment opportunity for women were well under way that the Federal Government took steps to prohibit sex discrimination in education. In 1972, with passage of Title IX of the Education Amendments Act,[13] Congress prohibited sex discrimination in educational institutions receiving Federal funds. The implementing regulations issued under Title IX cover areas such as recruiting, admissions, financial aid, housing, health care, curricula, and athletics.[14] Two years later, the Women's Educational Equity Act authorized grants and contracts to promote

[1] 29 U.S.C. §206(d) (1976).
[2] *Id.*, §§203(a), (d), (e)(1)–(2), (r), (s), and (x); 206(d).
[3] 42 U.S.C. §§2000e–2000e–17 (1976).
[4] *Id.*, §§2000e, 2000e–2, 2000e–16.
[5] Exec. Order No. 11478, 3 C.F.R. 803 (1966–70 compilation), *reprinted in* 42 U.S.C. §2000e (1976).
[6] 5 C.F.R. §720, Appendix (1979).
[7] 41 C.F.R. §60–2 (1979).
[8] Schultz v. Wheaton Glass Co., 421 F.2d 259 (3d Cir. 1970), *cert. denied*, 398 U.S. 905 (1970).
[9] Weeks v. Southern Bell Tel. & Tel. Co., 408 F.2d 228 (5th Cir. 1969).
[10] Diaz v. Pan Am. World Airways, Inc., 442 F.2d 385 (5th Cir. 1971), *cert. denied*, 404 U.S. 950 (1971).
[11] Pittsburgh Press Co. v. Pittsburgh Commission on Human Relations, 287 A.2d 161 (Pa. Commw. Ct. 1972), *aff'd*, 413 U.S. 376 (1973).
[12] Sprogis v. United Air Lines, Inc., 444 F.2d 1194 (7th Cir. 1971), *cert. denied*, 404 U.S. 991 (1971). *See also*, Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971) (mother of preschool age child may not be denied employment because of motherhood unless the exclusion is shown to be based upon reasonably necessary and bona fide job qualification).
[13] 20 U.S.C. §§1681–86 (1976).
[14] 45 C.F.R. §§86.1–.42 (1979).

equity at all levels of schooling, from preschool through adult and vocational education.[15] The Education Amendments of 1976 gave further impetus to efforts to eliminate sex bias from vocational educational programs.[16]

Throughout the 1970s congressional amendments to antidiscrimination statutes extended protection from sex bias to more categories of women workers. The Fair Labor Standards Act was amended twice to prohibit sex discrimination in the pay of professional and executive employees (1972)[17] and government employees (1974).[18] Of the many amendments to Title VII of the Civil Rights Act, two were especially important to women in paid work: the Equal Employment Opportunity Act of 1972 extended Title VII coverage to employees of educational institutions and State and local governments,[19] and an amendment in 1978 specifically extended the act's coverage of employment discrimination against women by including pregnancy as part of the definition of the term "on the basis of sex."[20] In addition, the Comprehensive Employment and Training Act (CETA), which reorganized and consolidated Federal employment and training programs, prohibited sex discrimination in enrollment.[21]

Perhaps the most substantial development in Federal equal opportunity policy during the 1970s resulted from the 1972 empowerment of the EEOC (under the Equal Employment Opportunity Act) to bring civil suits against employers alleged to be acting in violation of Title VII.[22] Litigating to end employment practices it deemed to have an exclusionary impact on all women, EEOC has sought court-ordered affirmative action measures against large corporate employers and has won several sizable back pay settlements.[23]

Despite more than 15 years of Federal statutes, court orders, and agency actions, however, the Federal goal of equal opportunity for women has not been realized. Women as workers and students, especially minority women, continue to be disadvantaged when compared with men and, in some respects, even more so than they were before the government initiated efforts to bring about equal opportunity. Women are more likely to be unemployed, to have less prestigious occupations, and to be concentrated in different occupations than men. As stated in the Commission's report, *Social Indicators of Equality for Minorities and Women*, occupational segregation has increased substantially since 1970; about two-thirds to three-fourths of the jobs held by women in 1976 would have to be changed to match the occupational patterns of white men.[24]

This is not to ignore substantial gains during the last two decades in women's participation in the labor force and in education. Twelve percent more women worked outside the home in 1978 than in 1960, while during that same period, men's participation in the labor force decreased.[25] By 1978 half of all women 16 and over were in the labor force, representing 41 percent of the total United States working population; 53 percent of all black women, almost half of all black workers, and 45 percent of Hispanic women were in the labor force.[26] In the same year, almost half of all college students were women,[27] with minority women as likely to be enrolled as white women, and in 1976–77 women received 46.1 percent of all bachelor's degrees awarded in the United States.[28]

Women still earn considerably less than men. Despite their increasing presence in the work force and in educational programs and despite Federal protection, data from 1975 indicate that even when they both work full time, year round, the average woman worker earns only about three-fifths of what

[15] 20 U.S.C. §1866 (1976). *See also,* 20 U.S.C.A. §§3341–48 (Supp. 1979) (Women's Educational Equity Act of 1978).

[16] *See* 20 U.S.C. §§2201(3) (1976), 2304(b), 2305(a)(17), 2307(b)(4), 2308(b)(1)–(c)(ii), 2309(a)(3)(B), 2330(b)(1)(J)–(L), 2350(b)(6), 2351(a)(2), 2352(b), 2353(a)(2), 2354(a)(4), 2355(a)(2), 2356, 2380(b), and 2392(a)(6) (1976).

[17] 29 U.S.C. §213(a) (1976).

[18] 29 U.S.C. §203(d) (1976).

[19] 42 U.S.C. §§2000e(a), 2000e–1 (1976).

[20] 42 U.S.C.A. §2000e(k) (Supp. 1974–1978).

[21] 29 U.S.C. §848(f) (1976).

[22] 42 U.S.C. §2000e–5(f) (1976).

[23] *See, e.g.,* United States v. Allegheny-Ludlum Industries, Inc., 63 F.R.D. 1 (N.D. Ala. 1974), *aff'd,* 517 F.2d 826 (5th Cir. 1975) (motions to intervene following consent decree that included establishment of a back-pay fund of $30.9 million); EEOC v. American Tel. & Tel. Co., 365 F. Supp. 1105 (E.D. Pa. 1973) (petitions to intervene following consent decree), *aff'd in part,* 506 F.2d 735 (3d Cir. 1974). The provisions of the consent decree in the latter case may be found in 1 C.C.H. Employment Practices Guide para. 1860 (1973).

[24] U.S., Commission on Civil Rights, *Social Indicators of Equality for Minorities and Women* (1978), p. 45 (hereafter cited as *Social Indicators).*

[25] U.S., Office of the President, *Employment and Training Report of the President* (1978), p. 180 (table A–1) (hereafter cited as *Employment and Training Report).*

[26] U.S., Department of Labor, Women's Bureau, *20 Facts on Women Workers* (1970), p. 1 (hereafter cited as *20 Facts on Women Workers).*

[27] U.S., Department of Commerce, Bureau of the Census, *School Enrollment—Social and Economic Characteristics of Students: October 1978, Current Population Reports,* series P–20, no. 335 (1979), pp. 2, 4, table 3.

[28] Ibid.; Barbara Heyns and Joyce Adair Bird, "Recent Trends in the Higher Education of Women" (paper prepared for the Research Conference on Educational Environments and the Undergraduate Woman, Center for Research on Women, Wellesley, Mass., Sept. 13–15, 1979), figure 3.

a man earns. On the average, black and Hispanic women earn even less than white women.[29] In fact, the male-female average wage gap is greater than it was in 1960, before the passage of the Equal Pay Act.[30] In 1977 female college graduates, including those with advanced degrees, who worked full time year round had a median income below that of male high school dropouts.[31]

Women are segregated in low-paying dead-end jobs. Despite the heterogeneity of the female work force, 1976 statistics indicate that 78.5 percent of all women are concentrated in clerical, sales, service, and blue-collar jobs, with 55.9 percent of women concentrated in just two occupational categories—clerical and service.[32] In 1978 "Women were 80 percent of all clerical workers. . .but only 6 percent of all craft workers; 63 percent of service workers but only 43 percent of professional and technical workers; and 64 percent of retail sales workers but only 23 percent of nonfarm managers and administrators."[33] To achieve an occupational distribution identical to that of white men, it has been estimated that 66 percent of white women, 69 percent of black women, and 80 percent of Puerto Rican women would have to change occupations.[34] According to Ralph Smith, acting Director of the National Commission for Employment Policy, "The extreme form of occupational segregation in which women remained at home may have ended years ago, but the majority are still doing 'women's work'."[35]

Women are much less likely than men to hold full-time jobs. Only 41.4 percent of the women in the labor force in 1975 held full-time, year-round jobs, compared with 63.9 percent of the men in the labor force.[36] Women were 70 percent of all part-time workers (persons who work less than 35 hours per week) in 1977.[37] Voluntary part-time work increased approximately three times faster than full-time work from 1965 to 1977,[38] and most of those taking part-time jobs were women.[39]

Women's access to job opportunities is restricted. Despite their increasing presence in the work force, women still have considerably more difficulty than men in finding jobs. In 1977, for example, men's rate of participation in the labor force was 30 percent higher than women's, and the average unemployment rate for white men was 5.5 percent.[40] In the same year, the unemployment rate for white women was 7.3 percent; for black women it was 14 percent, reflecting the effects of both sex and race.[41] The largest difference in unemployment between men and women was among prime-age workers, those ranging in age from 25 to 44.[42]

Women are much less likely to complete college than men. Even among the relatively young population, significant differences in college completion rates persist. In 1976, for example, 34 percent of white men between the ages of 24 and 29 had completed at least 4 years of college; in the same year, the completion rate for white women of comparable age was two-thirds the rate of white men; for black women it was one-third.[43]

Women still do not receive education or training that is as advanced as men's. In 1978 a higher proportion of female than male undergraduates were enrolled in public 2-year colleges.[44] According to sociologists Barbara Heyns and Joyce Adair Bird, the most prestigious universities "remain the preserve of the most traditional students, in terms of sex, race, and age," i.e., young white men.[45] Moreover, although nearly half of all undergraduate degrees were awarded to women in 1976–77, they received only 24 percent of the doctorates and 19 percent of first professional degrees during that year.[46]

Women are underrepresented in Federal employment and training programs. Although they were 56 percent of the population eligible to participate in

[29] U.S., Department of Labor, Bureau of Labor Statistics, *U.S. Working Women: A Databook* (1977), p. 52 (hereafter cited as *U.S. Working Women*).
[30] Nancy Barrett, "Women in the Job Market: Occupation, Earnings, and Career Opportunities," in *The Subtle Revolution*, ed. Ralph Smith (Washington, D.C.: The Urban Institute, 1979) p. 34, table 2 (compiled from data in U.S., Department of Commerce, Bureau of the Census, *Current Population Reports*, series P-60, various issues).
[31] U.S., Department of Commerce, Bureau of the Census, *Current Population Reports*, series P-60, no. 116 (July 1978), pp. 13–14, table 7.
[32] *U.S. Working Women*, p. 8, table 7.
[33] *20 Facts on Women Workers*, p. 3.
[34] *Social Indicators*, pp. 42, 58, tables 3.6 and 4.4.
[35] Ralph Smith, "The Movement of Women in the Labor Force," in Smith, *The Subtle Revolution*, p. 10.
[36] *U.S. Working Women*, p. 12, table 14.
[37] *Employment and Training Report*, p. 17, table 2.
[38] Nancy Barrett, "Women in the Job Market: Unemployment and Work Schedules," in *The Subtle Revolution*, p. 81 (computed from data in *Employment and Training Report*, pp. 225–26, table A–30).
[39] *Employment and Training Report*, p. 226, table A–20.
[40] Ibid., pp. 179, 180, 210.
[41] Ibid., p. 210.
[42] Ibid., p. 212.
[43] *Social Indicators*, p. 14, table 2.4.
[44] U.S., Department of Commerce, Bureau of the Census, *School Enrollment—Social and Economic Characteristics of students: October 1978*, *Current Population Reports*, series P–20, no. 355, p. 6, table 5.
[45] Heyns and Bird, "Recent Trends in the Higher Education of Women," p. 17.
[46] Ibid., table 4 (compiled from data in U.S., Department of Health, Education, and Welfare, National Center for Education Statistics, *Earned Degrees Conferred, 1975–76*, and the *Digest of Education Statistics*, 1977–78, and 1979).

federally supported programs under Titles I, II, and VI of CETA in 1977, women were only 44 percent of the participants.[47] Moreover, they were least represented in the programs that provide participants with jobs, which are also the most expensive programs to operate.[48]

Various reasons, none mutually exclusive, have been advanced to explain why there has not been more progress towards the Federal goal of equal opportunity for women. Some have emphasized the persisting interplay between an occupationally segregated labor market and an educational system that steers women into a limited number of traditional jobs.[49] Others have pointed to problems with interpretation and application of the government mandate: to the inadequacy of legislation such as the Equal Pay Act of 1963 which, though calling for equal pay for equal work, does not address the need, given persisting occupational segregation, for equal pay for work of comparable value;[50] to the failure of Federal agencies to issue adequate regulations prohibiting sex discrimination;[51] and to narrow judicial interpretations of statutes, such as the ruling that Title IX does not cover employees in educational institutions[52] and the Supreme Court of the United States ruling (later remedied by congressional legislation)[53] that the exclusion of pregnancy benefits from an insurance plan was not based on gender and did not violate Title VII.[54]

Another fundamental obstacle to equal opportunity for women is the responsibility they continue to assume for the care of young children, a responsibility that is not shared, for the most part, by men. As Alice Cook, professor emeritus of industrial and labor relations at Cornell University, has put it:

> Norms of work life have developed to fit the uninterrupted—the male—career. Women cannot match this pattern, because they interrupt work life to bear children and to care for them. . . .Women's work lives proceed at a different rhythm from men's. They are marked by interruptions for pregnancy, maternity, and child care. In a world of work fashioned and fitted to men, these interruptions handicap women in finding jobs, retraining, and being considered for promotion, that is, for the rewards presumably attractive in economic life.[55]

It is not just when they interrupt their careers or education that women maintain primary responsibility for child care. Although some evidence exists that men are slowly becoming more involved in child care and related housework, most research clearly indicates that women who work outside the home still retain primary responsibility for these tasks.[56] Based upon their survey of the literature on household work, Sandra Hofferth, sociologist and research associate at the Urban Institute, and Kristin Moore, acting director, Program of Research on Women and Family Policy, Urban Institute, concluded that the typical employed wife "continues to do most of the work that gets done at home. Wives who work full time make up most of their housework on weekends, thereby cutting down what had been their free time."[57] In effect, most women working outside the home hold down two jobs, while men in paid employment hold one. According to sociologist Joseph Pleck, research associate, Center for Research on Women, Wellesley College, this role overload discourages many wives from seeking and taking paid jobs in the first place. It increases the likelihood they will leave jobs which they do enter. It increases their overall stress if they

[47] Calculated from data in National Commission for Manpower Policy, *CETA: An Analysis of the Issues*, "Target Groups," by William Barnes (Washington, D.C.: U.S. Government Printing Office, 1978), p. 79, table 4.

[48] U.S., Department of Labor, Employment and Training Administration, unpublished data; William Mirengoff and Lester Kindler, *CETA: Manpower Programs under Local Control* (Washington, D.C.: National Academy of Sciences, 1978), p. 208.

[49] U.S., Congress, House, Subcommittee on Elementary, Secondary, and Vocational Education, *Sex Discrimination and Sex Stereotyping in Vocational Education*, 94th Cong., 1st sess. (1975), pp. 15–23 (statement of Marilyn Steele).

[50] Marcia Greenberger and Diane Gutman, "Legal Remedies Beyond Title VII to Combat Sex Discrimination in Employment," in *Women in the U.S. Labor Force*, ed. Anne Foote Cahn (Washington, D.C.: Praeger, 1979), pp. 83–84.

[51] Ibid.; Mary C. Dunlap, "The Legal Road to Equal Employment Opportunity: A Critical View," in *Women in the U.S. Labor Force*, pp. 70–71.

[52] Brunswick School Bd. v. Califano, 449 F. Supp. 866 (D. Me. 1978), *aff'd sub nom.* Isleboro School Comm. v. Califano, 593 F.2d 424 (1st Cir. 1979), *cert. denied sub nom.* Harris v. Isleboro School Comm., 100 S. Ct. 467 (1979).

[53] 42 U.S.C.A. §2000e(K) (Supp. 1974–1978).

[54] General Electric Co. v. Gilbert, 429 U.S. 125 (1976).

[55] Alice Cook, *The Working Mother* (Ithaca, N.Y.: New York State School of Industrial and Labor Relations, Cornell University, 1979), p. 7.

[56] Joseph Pleck, "The Work-Family Problem," in *Outsider on the Inside: Women and Organizations*, ed. B. Goldman and B. Foziha (New York: Prentice-Hall, forthcoming), pp. 3, table 1, and 4. The findings are based upon time use data in K. Walker and M. Woods, *Time Use: A Measure of Household Production of Family Goods and Services* (Washington, D.C.: American Home Economics Association, 1976), pp. 126–27, table 3.17; J. Robinson, *How Americans Use Time: A Social-Psychological Analysis* (New York: Praeger, 1977), pp. 72–74, tables 3.6–8; M. Meissner and others, "No Exit for Wives: Sexual Division of Labor and the Cumulation of Household Demands," *Canadian Review of Sociology and Anthropology*, vol. 12 (1975), p. 432; J. Pleck, L. Lang, and M. Rustad, "Men's Family Work, Involvement and Satisfaction," unpublished paper (1978), table 1.

[57] Sandra L. Hofferth and Kristin Moore, "Women's Employment and Marriage," in *The Subtle Revolution*, p. 115.

do hold their jobs. Finally, it limits their upward mobility, since higher paying jobs are likely to require more time and energy, and therefore increase role overload further. Thus, in addition to causing stress, employed wives' role overload more specifically depresses women's rates of employment and helps keep many women "locked in" a cycle of intermittent employment in low-paying jobs, with few prospects for advancement.[58] For the large number of single mothers (who typically receive little, if any, income or child support from their former partners), the effects of role overload are even more severe.[59]

Although researchers have suggested that women's traditional family role—and in particular their responsibility for child care—constitutes a significant barrier to equal opportunity, attention to child care has not been central to Federal efforts to achieve equal opportunity. As Sheila Kamerman and Alfred Kahn, professors, School of Social Welfare, Columbia University, point out, most "U.S. public policy directed at women treats women as individuals, not as family members, wives, or mothers";[60] in particular, "Public policy has simply not addressed the special problems and needs of working mothers."[61] Of the several government bureaus concerned with women, including those concerned with equal employment opportunity, "none is specifically directed to women as family members."[62]

Until Title VII of the Civil Rights Act of 1964 was amended in 1978 to cover discrimination based on pregnancy,[63] neither Title VII, Title IX of the Education Amendments,[64] nor Executive Order 11246 as amended[65] specifically recognized women's childbearing or childrearing role as a barrier to equal opportunity in employment or education. Though the 1978 act was a significant step forward because of extension of benefits to pregnant women, it still appears to limit child care leave to a medically necessary period after childbirth.[66]

Moreover, Federal guidelines for affirmative action place very little emphasis on child care. Revised Order No. 4, which is unusual in that it mentions child care explicitly, mentions it as a suggestion rather than a requirement. Among other programs that Federal contractors are advised to develop, they may "encourage child care, housing and transportation programs appropriately designed to improve the employment opportunities for minorities and women."[67]

The broader application of equal opportunity legislation to child care has been raised in *De la Cruz v. Tormey.*[68] In *De la Cruz,* a group of low-income mothers sued the San Mateo Community College District in California, charging that the district's restriction of efforts to provide child care deprived them of equal educational opportunities by limiting, among other things, the number and types of classes they could take. The lower court dismissed the complaint for failure to state a claim upon which relief could be granted, The United States Court of Appeals for the Ninth Circuit reversed, ruling that the plaintiff adequately alleged a violation by the community college district of Title IX of the Education Amendments (which prohibits sex discrimination in educational programs receiving Federal financial assistance) and remanded the case to a U.S. district court for trial on the merits.[69]

In ruling that allegations of discrimination due to inadequate child care stated a claim under Title IX, the appeals court established a principle that could be of broad importance to the future debate on the relationship between equal opportunity legislation and child care. The court noted that neither Title IX itself, its legislative history,[70] nor the relevant regulations[71] conclusively established a standard of conduct for Title IX cases, and it noted also that the regulations did not refer to child care services.[72] Accordingly, the court did not attempt to formulate a precise standard. However, citing Supreme Court decisions[73] "under statutes similar to Title IX," the

[58] Pleck, "The Work-Family Problem," p. 7.
[59] Dorothy Burlage, "Divorced and Separated Mothers: Combining the Responsibilities of Breadwinning and Childrearing" (Ph.d. diss., Harvard University, 1978), pp. 209–11.
[60] Sheila Kamerman and Alfred Kahn, eds., *Family Policy: Government and Families in Fourteen Countries* (New York, N.Y.: Columbia University Press, 1978), p. 472.
[61] Sheila Kamerman, "Public Policy and the Family: A New Strategy for Women as Wives and Mothers," in *Women into Wives: The Legal and Economic Impact of Marriage,* ed. Jane R. Chapman and Margaret Gates (Beverly Hills, Calif.: Sage, 1977), p. 208.
[62] Kamerman and Kahn, *Family Policy,* p. 472.
[63] 42 U.S.C.A. §2000e(K) (Supp. 1974–1978).
[64] 20 U.S.C. §§1681–86 (1976).
[65] Exec. Order No. 11246, 3 C.F.R. 339 (1964–1965 Compilation).
[66] 4. U.S.C.A. §2000e(K) (Supp. 1974–1978).
[67] 41 C.F.R. §60–2.24(h) (1979).
[68] De la Cruz v. Tormey, 582 F.2d 45 (9th Cir. 1978), *cert. denied,* 99 S. Ct. 2416 (1979).
[69] *Id.*
[70] H. Rep. No. 554, 92nd Cong., 2nd sess., *reprinted in* [1972] U.S. Code, Cong. & Ad. News 2462.
[71] 45 C.F.R. Part 86 (1979).
[72] De la Cruz v. Tormey, 582 F.2d at 61 & n. 15.
[73] Griggs v. Duke Power Co., 401 U.S. 424 (1971); Lau v. Nichols, 414 U.S. 563 (1974); Dothard v. Rawlinson, 433 U.S. 321 (1977).

De la Cruz court suggested that a *prima facie* case might be made upon a showing of disparate impact, without a showing of intentional discrimination.[74] Elsewhere, the court made clear that the plaintiffs had adequately alleged such discriminatory impact:

> There can be little doubt that a discriminatory effect, as that term is properly understood and has been used by the Supreme Court, has been adequately alleged. The concrete human consequences flowing from the lack of sufficient child care facilities, very practical impediments to beneficial participation in the District's educational programs, are asserted to fall overwhelmingly on women students and would-be students.[75]

The United States Supreme Court allowed the Ninth Circuit Court of Appeals' decision to stand, thereby permitting the case to proceed to trial.[76]

De la Cruz was eventually settled out of court on October 23, 1980,[77] with terms that include the agreement of the San Mateo Community College District to seek funding from both public and private sources for child care for all campuses. Although this out-of-court settlement establishes no legal precedent, the ruling of the Court of Appeals for the Ninth Circuit, coupled with the action of the U.S. Supreme Court, could have broader implications. Other courts in the Ninth Circuit could find the lack of child care to be a violation of Title IX.

According to Ann Broadwell, the attorney for the plaintiff in *De la Cruz*, "the real significance of the case is that schools and colleges will look seriously at child care as a means of providing equal educational opportunity to women."[78]

These decisions aside, the fact is that the Federal goal of equal opportunity for women will be considerably hampered unless more consideration is given to child care. "A frequently held position assumes that the problems faced by working mothers affect only a small group and should be coped with on an individual basis," says Sheila Kamerman. "The reality is very different, given the prevalence of these problems and the large numbers of women so affected."[79]

[74] De la Cruz v. Tormey, 582 F.2d at 61.
[75] *Id.* at 53.
[76] *Cert. denied*, 99 S. Ct. 2416 (1979).
[77] No. C-76-456-RPA (N.D. C.I., Oct. 23, 1980).
[78] Ann Broadwell, Adams, Broadwell and Russell, San Mateo, Calif., telephone interview, Nov. 24, 1980.
[79] Kamerman, "Public Policy and the Family," p. 209.

CHAPTER 2

Equal Opportunity and the Need for Child Care

• Mary Smith, one of the 80 percent of all employed women who work in clerical, service, sales, or factory jobs, is a secretary in a small insurance firm in the Midwest. She is committed to her work, ambitious, and highly capable, and her supervisors recognize her talents. To help Mary advance to a policy writer position, they will even pay so that she can join two of the company's salesmen at a course in real estate insurance law at the local college—three evenings a week for the next 36 weeks. Mary's husband, a fireman on a rotating shift, is often not home in the evening. Because she cannot find reliable evening care for a 2-year-old, a 5-year-old, and an 8-year-old, Mary's opportunity to advance like the men in her company is closed.[1]

• Cheryl Petska is not employed at a "typical" woman's job. In 1978 she became the first woman State trooper in Virginia. During the coalworkers' strikes in late 1978, Petska was ordered on 48 hours notice to report for a 2-week tour of duty in the coalfields, 400 miles from her home. Although she had a daily child care arrangement for her children and had made special arrangements for the intensive 23-week training program necessary to become a trooper, she was unable to find anyone to babysit her children overnight for 2 weeks on such short notice. When she refused the assignment, she was fired for "insubordination." (Cheryl's husband, Mark, also a State trooper and undercover narcotics agent, is frequently called on out-of-State assignments on a moment's notice.)[2]

• Hannah Robinson, a single mother, was completely supported by welfare until she found a job as a nurse's aide at the Veterans Administration hospital. Because her wages were so low, Robinson was still "income eligible" for government support of the child care she needed in order to work. After 6 months, a cost of living wage increase put her over the threshold for child care support; however, it did not provide enough to cover the child care expenses for her 4-year-old son, Robert. Robinson was only permitted to refuse the salary increase—and thereby keep her child care—by accepting a demotion.[3]

• Sue de la Cruz, a low-income mother in San Mateo County, California, cannot find better employment without more education, but cannot attend the local community college unless some sort of child care facilities are available in her area. When the San Mateo Community College District "refus[ed] to allow District funds to be used for these purposes,"[4] Sue de la Cruz and six other low-income mothers filed suit in Federal court. To earn a living while the suit is pending, Sue had to take a low-paying job in a glass factory and still does not have regular care for her three children.[5]

These are familiar stories for women throughout America, for women of all races, ethnic groups, and

[1] This is a hypothetical case based on information collected for Working Family Project, "Work and Family Life," Laura Lein, principal investigator, Preliminary Report, National Institute of Education Project No. 3-3094, (Cambridge, Mass.: Center for the Study of Public Policy, 1974) (hereafter cited as "Work and Family Life").

[2] "Woman Trooper Fired," *Washington Post*, Dec. 30, 1978, p. 37.

[3] "Work and Family Life."

[4] De la Cruz v. Tormey, 582 F.2d 45, 47 (9th Cir. 1978).

[5] Ann Broadwell, attorney for plaintiffs in De la Cruz v. Tormey, Legal Aid Society of San Mateo County, Redwood City, Calif., telephone interview, Nov. 15, 1979.

levels of income. Because of the need for child care, women routinely drop out of school or the labor force or pass up opportunities for advancement; poor women are kept poor; women are disenfranchised from job opportunities and benefits.

A few of these stories, like Cheryl Petska's or Sue de la Cruz's, make headlines; their individual child care problems become matters of public concern for a week, a month, as long as the local paper carries the story, or as long as the story has an unusual twist to it. But most of the stories do not make headlines. They are simply the stuff of women's lives, shared by women at all levels of educational background, and rarely shared by men. A "successful" Radcliffe graduate tells of having to bypass "top executive positions" for which she was qualified because "most employers provide [no] facilities for child care, much less infant care or breaks to nurse your child or even part-time, flex-time or shared-jobs."[6] A welfare recipient in Chicago tells the U.S. Commission on Civil Rights that she has been unable to take *any* job, even though there are many advertised equally for men and for women in the local paper. "The main problem" is that

> you got children to take care of. And a man does not have that hanging around his neck. You have to be superwoman in order to get the same job that the man would very easily fall into because he doesn't have to worry about the children going to the doctor; he doesn't have to worry about the children getting sick.[7]

Only rarely, as in the 1980 movie *Kramer v. Kramer,* is child care displayed as a man's problem, and then it is clearly one that takes its toll on employment opportunity. When arranging child care and doctor's appointments appear to make him less "committed" to the advertising agency he works for, Ted Kramer is fired.

As a matter of public policy, the extent to which the need for child care constitutes a barrier to equal opportunity for women has received relatively little attention, even though many people have urged increased Federal support of child care. Major women's groups, such as the National Organization for Women, have repeatedly made child care part of their platform.[8] Over and over again, national surveys have identified child care as one of the most crucial unresolved needs facing both unemployed and employed women.[9] Prestigious panels concerned with the well-being of children, such as the National Academy of Sciences Committee on Child Development[10]and the Carnegie Council on Children, have called for Federal support of alternative forms of child care, so that parents who work out of necessity or preference are not forced to put their young ones at risk.[11]

Still, the need for child care has rarely been explicitly and systematically related to women's equal opportunity. National debate and research about child care has been far more concerned with the effect on children of their mothers working outside the home than it has been with the effect of the lack of child care, or of inadequate child care, on women and their families. Because the number of mothers in paid employment keeps increasing, it is often assumed that child care is not much of a problem, much less a barrier to equal opportunity. During the last 25 years, the rise in the number of mothers working outside the home, especially mothers of young children, has been dramatic. As the Congressional Budget Office reports:

> In 1950, just over one-fifth of the mothers with children under 18 years of age were in the labor force; by 1978, over half were. . . .The largest proportional increases in labor force participation have occurred among mothers with children under 6 years old. Between 1950 and 1978, the participation rate of mothers with children only between 6 and 17 years old increased 82 percent, while the rate among mothers with children under 6 more than tripled (from 14 percent in 1950 to 44 percent in 1978).[12]

The fact that mothers are working does not mean that families have made satisfactory child care arrangements. Most mothers, like most women and

[6] Kathy Sreedhar, "My Life as a Single Parent," *Radcliffe Quarterly,* December 1979, p. 20.

[7] Kathi Gunlogson, testimony, *Hearing Before the United States Commission on Civil Rights,* Chicago, Ill., June 17–19, 1974, vol. I, p. 16.

[8] See, for example, National Organization for Women, NOW Resolution 130, 1970 (National NOW Action Center, 425 13th St., N.W., Suite 1048, Washington, D.C. 20004), p. 23.

[9] National Commission on Working Women, *National Survey of Working Women: Perceptions, Problems and Prospects* (Washington, D.C.: National Manpower Institute, 1979), p. 1 (hereafter cited as *National Survey of Working Women)* ; Jane Whitbread, "Who's Taking Care of the Children?" *Family Circle,* Feb. 20, 1979, p. 88.

[10] Advisory Committee on Child Development, *Toward a National Policy for Children and Families* (Washington, D.C.: National Academy of Sciences, 1976), pp. 4–5.

[11] Kenneth Keniston and the Carnegie Council on Children, *All Our Children: The American Family Under Pressure* (New York: Harcourt Brace Jovanovich, 1978), p. 79 and *passim.*

[12] U.S., Congress, Congressional Budget Office, *Children and Preschool: Options for Federal Support* (1978), p. 44 (hereafter cited as *Options for Federal Support).*

most men, work outside the home because of economic necessity. According to the U.S. Department of Labor, "Nearly two-thirds of all women in the labor force in 1978 were single, widowed, divorced, or separated, or had husbands whose earnings were less than $10,000."[13] In more and more two-parent families, two incomes are necessary for economic viability. "It is frequently the wife's earnings that raise a family out of poverty. In husband-wife families in 1978, 6.1 percent were poor when the wife did not work; 2.7 when she was in the labor force."[14]

Several recent analyses indicate that large numbers of employed mothers do not report having adequate—or, in many cases, any—child care arrangements.[15] Sandra L. Hofferth of the Urban Institute has estimated that in 1975, 32,000 preschoolers were caring for themselves.[16] According to Senator Alan Cranston, Chairman of the Senate Subcommittee on Child and Human Development, "Census data tells us that at least 2 million school-age children between the ages of 7 and 13 are simply left alone without any supervision."[17]

Results of a 1978 national survey of working women conducted by the National Commission on Working Women indicate that 29 percent of those mothers in clerical, service, sales, factory, or plant jobs—i.e., in the types of jobs held by some 80 percent of all women in the United States—cite child care as a "major problem"; among professional, managerial, and technical women the figure was even higher, 36 percent.[18] When *Family Circle* magazine did a similar survey, also in 1978, it too found widespread problems, including inadequate care for infants, toddlers, young schoolage children, and children who are sick.[19]

Among single mothers—who are more likely to be in the labor force than married mothers[20]—the problem of arranging satisfactory care is especially great. According to Dorothy Burlage, a clinical and research psychologist who has studied them extensively:

> Separated and divorced mothers are under pressure to take the first job they can get and worry about child care arrangements later. Because separated and divorced mothers are unlikely to have a financial cushion,. . .they cannot afford to risk losing their jobs. This economic insecurity becomes an additional source of stress and anxiety as they are trying to patch together child care arrangements, take care of children when they are ill, attend their children's performances at school, and meet their other mothering obligations. They are likely to work full-time and to work whatever schedule is necessary to provide enough income for the family. This means that they have little flexibility in adjusting their employment situation to meet the needs of their children.[21]

In sum, whatever their marital status, substantial numbers of women are employed in spite of, not because of, their child care arrangements.

To what extent then, do child care problems act as a constraint on equal opportunity for women? Existing data from a variety of sources, discussed in the following pages, indicate that lack of child care, or inadequate child care, prevents women from participating in the labor force, prevents them from participating in federally supported education and training programs, reduces the amount of time they can devote to employment or education, makes them unable to take advantage of job promotions or training necessary for advancement, and conflicts with their ability to perform their work.

Lack of child care or inadequate child care prevents women from taking paid jobs. Some argue that the "availability of employment is overwhelmingly more important"[22] in determining labor force participation than the availability of child care. However, the pattern of women's participation in the labor force and the results of a number of studies during the last decade[23] suggest that a substantial number of women, especially minority women, are prevented from taking paid work because of unavailable or inadequate child care.

[13] U.S., Department of Labor, Women's Bureau, "20 Facts on Women Workers" (1978), p. 1.
[14] Ibid., p. 3.
[15] *National Survey of Working Women*, pp. 1, 6; Whitbread, "Who's Taking Care of the Children?" pp. 88, 92, 102, 103.
[16] Sandra Hofferth, "The Implications for Child Care," in *Women in the Labor Force in 1990*, ed. Ralph Smith (Washington, D.C.: The Urban Institute, 1979), p. 99, table 15.
[17] 125 Cong. Rec. S-77 (daily ed. Jan. 15, 1979) (remarks of Sen. Cranston).
[18] *National Survey of Working Women*, p. 6, chart.
[19] Whitbread, "Who's Taking Care of the Children?" pp. 88, 92, 102, 103.
[20] Elizabeth Waldman, Allyson Sherman Grossman, Howard Mayghe, and Beverly L. Johnson, "Working Mothers in the 1970s: A Look at the Statistics," *Monthly Labor Review*, October 1979, p. 46.
[21] Dorothy Burlage, "Divorced and Separated Mothers: Combining the Responsibilities of Breadwinning and Childrearing" (Ph.D. diss., Harvard University, 1978), mimeographed, pp. 295–96.
[22] Suzanne Woolsey, "Pied Piper Politics and the Child-Care Debate," *Daedalus*, vol. 106, no. 2 (1977), p. 138.
[23] E.g., *Options for Federal Support*, p. 47; Harriet B. Presser and Wendy Baldwin, "Childcare as a Constraint on Employment: Prevalence, Correlates and Bearing on the Work and Fertility Nexus," *American Journal of Sociology*, forthcoming, p. 1.

Even though overall participation in the labor force is increasing steadily, there are still striking differences among subgroups of women. Women without children are most likely to be in the labor force.[24] Mothers with children age 6 or over, for whom the Nation's public schools provide a regular type of care for approximately 6 hours per day, are almost twice as likely to be in the labor force as mothers with preschoolers, for whom there is no such regularly available arrangement.[25] Indeed, mothers with young children are the group of women least likely to be in the labor force.[26]

As the Congressional Budget Office notes, relatively few studies have sought to determine the extent to which the lack of day care inhibits women's labor force participation.[27] Most have been based on hypothetical situations, asking mothers how they would behave if a certain type of child care were provided; and, according to Joseph Pleck, director of the Family and Work Program at the Wellesley College Center for Research on Women, estimates have sometimes varied considerably, depending upon methodology.[28] Moreover, most studies have ignored the double bind situations that face many women; they cannot afford child care unless they have a job, but they cannot get a job unless they have child care.[29]

Nevertheless, a number of studies suggest that approximately one of every five or six unemployed women is unemployed because she is unable to make satisfactory child care arrangements. A national survey of sources of variation in labor market behavior in 19[illegible] asked women who were not in the labor force if they would be willing to seek employment if they could place their children in free day care centers.[30] Seventeen percent of the white mothers and 50 percent of the black mothers with children under 6 responded positively.[31] Harriet B. Presser of the University of Maryland and Wendy Baldwin of the Center for Population Research at the National Institute for Child Health and Development, in a literature review, cite a panel study by the Institute for Social Research at the University of Michigan which found that 16 percent of unemployed mothers with children under 12 believed that child care arrangements were not available at all if they wanted to take jobs.[32] Moreover, a 1977 Westinghouse Learning Corporation study of unemployed women with family income under $8,000 and at least one child under 9, found that 18 percent were not employed because they could not make or afford satisfactory child care arrangements.[33] Presser's and Baldwin's own analysis, based on census data from June 1977, yields similar results:

> many more mothers with children less than five years of age would be working or working more hours if suitable child care were available. . .close to one out of five mothers with preschool age children who are not in the labor force say they would be looking for work (or employed) if suitable child care were available. . . .it is generally women who are most in need of employment who are most likely to report that the unavailability of satisfactory child care at reasonable cost affects their labor force participation: the young mother (18–24), the unmarried mother, the black mother, the non-high school graduate, and those with family incomes of less than $5,000.[34]

Lack of child care or inadequate child care keeps women in part-time jobs, most often with low pay and little career mobility. Twenty-three percent of the adult women in the U.S. labor force either worked part time or were looking for part-time work in 1977, compared with 7 percent of adult men.[35] Various studies show that a major reason why women are overrepresented in part-time work is that they are combining child care responsibilities with jobs in the paid labor market. For some women this is undoubtedly a choice; for others it is a constraint.

National statistics, collected and tabulated for the Bureau of Labor Statistics by the Bureau of the Census, show that a larger percentage of mothers

[24] Ralph Smith, "The Movement of Women in the Labor Force" in *The Subtle Revolution*, ed. Raplh Smith (Washington, D.C.: Urban Institute, 1979), p. 8.
[25] Ibid., p. 11, figure 2.
[26] Ibid. (a compilation of unpublished tabulations from U.S. Department of Labor, Bureau of Labor Statistics, March 1978 Current Population Survey).
[27] *Options for Federal Support*, p. 45.
[28] Joseph Pleck, program director for Family and Work, interview, Wellesley College Center for Research on Women, Wellesley, Mass., Dec. 19, 1979.
[29] Lucille Abbot, "Well, I Passed the Park Today," in *The Day Care Book*, ed. Vicki Breitbart (New York: Random, 1974), p. 20.
[30] Richard L. Shortlidge, *The Hypothetical Labor Market Response of Black and White Women to a National Program of Free Day Care Centers* (Ohio State University, Center for Human Resources Research, August 1977), as cited in *Options for Federal Support*, p. 47.
[31] Ibid.
[32] Presser and Baldwin, "Childcare as a Constraint on Employment," p. 1.
[33] Westinghouse Learning Corporation, *Day Care Survey 1970: Summary Report and Basic Analysis* (report presented to the Office of Economic Opportunity, 1971), as cited in Presser and Baldwin, "Childcare as a Constraint on Employment," p. 1.
[34] Presser and Baldwin, "Childcare as a Constraint on Employment," pp. 4, 5, 6.
[35] U.S., Office of the President, *Employment and Training Report*, p. 17.

with young children are employed part time than are adult women in general. Of the mothers with children under 18 in two-parent families who were employed during 1977, 38 percent held part-time jobs (1 to 34 hours per week). Another 27 percent of those mothers were employed less than 50 weeks per year, leaving only 35 percent employed on a year-round, full-time basis. In two-parent families with children under 6, only 25 percent of the mothers in paid employment held year-round, full-time jobs.[36]

Both small and large scale studies indicate that women are constrained from increasing their hours of employment by the unavailabilitiy of adequate child care. For example, an intensive study of limited-income families with preschool children, directed by Laura Lein of the Wellesley College Center for Research on Women, found that in most cases child care was a major factor in determining women's job options.[37] For many women, this meant working only during the hours their husband was not at his job, so that he could stay with the children.[38] According to Presser and Baldwin, "many more mothers with children less than five years of age would be. . .working more hours if suitable child care was available. . .about one out of four part-time employed mothers indicate they would work more hours."[39]

The economic cost of part-time work to these women and their families is great. Part-time jobs tend to be concentrated in low-skill, low-wage occupations without benefits. More than one-third of part-time working women are in food service, retail, and private household jobs.[40] The wage rate of women on part-time schedules is 25 percent less than that of women who work full-time. Smith reports that in May 1976 part-time women workers earned an average of $2.71 per hour compared to an average of $3.59 per hour for full-time women workers.[41] Some of the gap is attributable to lower wage rates for part-time work in the same occupations and some to different occupational distributions for the two groups of workers.[42] Many part-time workers do not receive fringe benefits such as sick days, holidays, vacations, health insurance, training programs, and pensions. These negative features of part-time employment combine to create an isolated class of workers, predominantly women, who are cut off from high wages, prestigious occupations, benefits, and career mobility.[43]

Lack of child care or inadequate child care keeps women in jobs for which they are overqualified and prevents them from seeking or taking job promotions or the training necessary for advancement. Although no national data exist about this situation, several studies in different parts of the country bring evidence to bear on it.

In a New York City area study of 100 black and 100 white full-time employed mothers with at least one child aged 5 or younger, Sheila Kamerman frequently found women taking jobs for which they were overqualified because they couldn't make satisfactory child care arrangements.[44] Lein's Boston-area study found women taking unsatisfying jobs due to child care and other family pressures.[45]

According to Dorothy Burlage, single mothers—most of whom do not receive child support—are in a double bind when it comes to advancement.[46] To keep jobs producing even minimal income, they need child care; to upgrade their jobs, they need additional child care.[47] Burlage found single mothers refusing promotions and better paying jobs and being unable to attend school because they could not find adequate evening child care. One woman, for example, "worked as a bottle-washer in a hospital for about a year and a half until she was finally able to arrange for her mother to take care of her children for two weeks while she took a refresher course from a secretarial school. After the period of retraining, she got a job as a secretary."[48] For others who could not solve the child care problem and who needed the income from working, education was the first thing to go. Some single mothers reported "being late to school, missing classes, [and] having difficulty completing homework to the point that

[36] Elizabeth Waldman and others, "Working Mothers in the 1970's: A Look at the Statistics," *Monthly Labor Review*, October 1979, p. 44.

[37] The Working Family Project, *Final Report: Work and Family Life*, Laura Lein, principal investigator (Cambridge, Mass.: Center for the Study of Public Policy, 1974), p. 136.

[38] Laura Lein, "Parental Evaluation of Child Care Alternatives," *Urban and Social Change Review*, vol. 12 (1979), p. 12.

[39] Presser and Baldwin, "Childcare as a Constraint on Employment," pp. 4–5.

[40] Ralph E. Smith, "The Effects of Hours Rigidity on the Labor Market Status of Women," *The Urban and Social Change Review*, vol. 11, nos. 1 and 2 (1978), p. 44.

[41] Ibid.

[42] Ibid.

[43] Robert Daski, "Area Wage Survey Test Focuses on Part-Timers," *Monthly Labor Review*, April 1979, pp. 60–62.

[44] Sheila Kamerman, interview in New York City, Feb. 14, 1980, based upon data to be published in Sheila Kamerman, *Parenting in an Unresponsive Society* (New York: The Free Press, forthcoming).

[45] Working Family Project, "Work and Family Life," p. 136.

[46] Burlage, "Divorced and Separated Mothers," pp. 262–63.

[47] Ibid., p. 257.

[48] Ibid., pp. 257–58.

their grades suffered"; others reported cutting their school load to minimum or dropping out.[49]

A 1978 survey of undergraduate and graduate students at Portland State University in Oregon found a similar pattern among women with children. Three-fourths of all parents who had dropped out of school for a term or more indicated that they missed an average of 1.7 terms each due to child care problems; among parents who stayed in school, over 58 percent reported dissatisfaction with child care arrangements, and one-third of that number would be able to "increase their courseload an average of 3.6 credits per term if child care problems were resolved."[50]

Lack of child care or inadequate child care can conflict with women's ability to perform their work. Employed mothers are well aware of the difference that satisfactory child care arrangements can make in the way they do their jobs. In *Family Circle's* 1978 survey, some 70 percent said that "adequate child care helps their job performance."[51]

However, recent analyses of national survey data by Pleck have shown that 23 percent of employed wives with children and 23 percent of employed female single parents who use a formal child care arrangement find that their child care causes them to be late to work or to miss work. By contrast, almost no fathers in families using formal child care reported the same problems.[52]

Among women who work on assembly line jobs with heavy machinery, inadequate child care may have a relationship to higher accident rates. According to Wendy Cuthbertson, international representative with the United Auto Workers in Toronto, "stress was presented as a significant factor in industrial accidents, and worry about inadequate child care was presented as the single greatest cause of stress" by 40 female assembly line workers at a 1978 conference on "Occupational Health and Working Women."[53]

Lack of child care or inadequate child care restricts women's participation in Federal employment and training programs. During the 1960s and 1970s, women were underrepresented in Federal employment programs. In 1977, for example, women made up approximately 56 percent of the population eligible for Comprehensive Employment and Training Act (CETA) programs, but only about 44 percent of the enrollees.[54] In 1978 women were only 74 percent of the registrants for the welfare-oriented Work Incentive Program (WIN),[55] even though they represented 90 percent of adult recipients of Aid to Families with Dependent Children (AFDC).[56]

Various factors, including the unavailability of adequate child care, account for the relatively low level of female enrollment in these programs. National statistics prepared by the Department of Health, Education, and Welfare in 1970 showed that about 10 percent of AFDC recipients were not referred to WIN because of the lack of child care and that 6 percent of those referred were turned back for reasons of unavailable child care.[57] Eight years later, a supervisor of a WIN office still identified the unmet need for child care as perhaps the primary reason why women were less likely than men to be assigned to job training.[58]

Lack of child care or inadequate child care restricts women from participating in federally supported education programs. Even though women constitute a majority of participants[59] in programs supported under the Adult Education Act,[60] child care problems appear to be limiting their ability to enter and to complete such programs. Women of prime child-rearing age (16 to 34) are about 52 percent of all enrollees in that age group, while women 35 years of

[49] Ibid., p. 260.
[50] Marcy Box, *Childcare: A Student Attitudes Survey, A Needs Assessment* (Portland, Ore.: Portland State University Office of Institutional Research, 1979), p. 13, table 8, and pp. 15–16 and 21.
[51] Whitbread, "Who's Taking Care of the Children?" p. 102.
[52] Joseph H. Pleck, Graham Staines, and Linda Lang, "Work and Family Life: First Reports on Work-Family Interference and Workers' Formal Child-Care Arrangements, from the 1977 Quality of Employment Survey" (prepared for the Office of the Assistant Secretary for Policy, Evaluation, and Research, U.S. Department of Labor, 1978), table 7.
[53] Wendy Cuthbertson, international representative, United Auto Workers, Toronto, Canada, telephone interview, Jan. 25, 1980.
[54] Percentages calculated from data in William Barnes, "Target Groups," in National Commission for Manpower Policy, *CETA: An Analysis of the Issues*, Special Report No. 23 (Washington, D.C.: 1978), p. 79, table 4.
[55] U.S., Department of Labor and Department of Health, Education, and Welfare, *WIN: 1968–1978: A Report at 10 Years* (1978), p. 20, table 2.
[56] Ibid., p. 12.
[57] U.S., Department of Health, Education, and Welfare, "Services to AFDC Families" (July 1970), in U.S., Department of Labor and Department of Health, Education, and Welfare, *Report on the Work Incentive Program* (1970), pp. 113–14, 180, table 10.
[58] U.S., Commission on Civil Rights, *Women—Still in Poverty* (1979), p. 15.
[59] U.S., Department of Health, Education, and Welfare, Office of the Assistant Secretary for Education, National Center for Education Statistics, *Adult Basic and Secondary Education Program Statistics, Fiscal Year 1976* (1979), p. 19, table 4 (hereafter cited as *Adult Basic and Secondary Education Statistics*).
[60] 20 U.S.C.A. §§1201–11 (1978 and Supp. 1979).

age and above are about 61 percent of enrollees in the group.[61]

Many participants have said the reason they left the program before completion was because of child care. Data from the National Center for Educational Statistics show that during 1976, some 36 percent of enrollees withdrew before finishing, and 4 percent of these—some 22,957 individuals—cited the unavailability of child care as the chief reason.[62]

Child care is also a crucial barrier to the participation of women in programs supported by the Vocational Education Act.[63] Enrollment data for 1970 reveal that women were proportionately underrepresented in postsecondary and adult programs; i.e., they were not undertaking advanced training or preparation for jobs as often as men.[64] According to Pamela Roby of the Department of Sociology at the University of California's Santa Cruz campus, "the absence of adequate child care facilities makes it difficult for women to enroll in any advanced education offering, and even more difficult for those women with limited finances."[65] In testimony submitted to the House of Representatives at hearings on the 1976 amendments, Marilyn Steele, program officer of the Charles Stewart Mott Foundation in Flint, Michigan, argued that vocational education must provide child care services to increase the participation of women and to allow them to complete their job training.[66]

It is clear that the unavailability of adequate child care restricts equal opportunity for women in a variety of ways. Given all of these constraints, it is reasonable to ask how extensive the current need for child care is, how it is expected to change over the 1980s, and what amounts and types of child care are needed to increase women's opportunities.

Estimates of day care need have ranged from one extreme to the other over the past 10 years. Some advocates of federally supported child care have claimed that all preschool children not in a licensed center or family day care home, perhaps as many as 7 million, need care.[67] Opponents of Federal support point to the increasing number of employed mothers and say that most families make arrangements on their own and no national subsidy is needed.[68]

The need for child care is difficult to predict with any precision because it is not a standardized product. The extent and type of out-of-home care that parents need will depend, at any one point in time, on the availability of relatives, on the ages and number of their children, on the types of work schedules that they are able to negotiate, and on the price they are able to pay. Moreover, the United States does not have any method for the regular collection of data about child care need at the local level, although groups in several communities are trying to establish such a procedure.[69]

According to HEW's National Day Care Study, carried out by Abt Associates, "in 1978 almost 52 percent of the country's 24.4 million families with children under 13 have a work-related need for some form of day care."[70] Throughout the 1980s that need should continue to increase. According to recent data from the Urban Institute, by 1990 there will be 11 million more women in the labor force, many with young children. "In 1977 there were an estimated 17.1 million preschool children in the United States, of whom 6.4 million (37 percent) had working mothers. By 1990 there will be 23.3 million preschool children, 10.4 million (about 44 percent) with working mothers."[71] Moreover, an increasing number of these children will be from the families most likely to use day care outside the home—

[61] Compiled from data in *Adult Basic and Secondary Education Program Statistics*, p. 19, table 4.

[62] Ibid., pp. 30–31, table 10.

[63] 20 U.S.C. §§2301–12, 2330–34, 2350–56, 2370, 2380, 2390–92, 2401, 2402 (1976).

[64] U.S., Congress, House, Subcommittee on Elementary, Secondary, and Vocational Education, *Sex Discrimination and Sex Stereotyping in Vocational Education*, 94th Cong., 1st sess. (1975), p. 286, table 8 (Appendix—"Women in Vocational Education," prepared by Marilyn Steele) (hereafter cited as *Sex Discrimination and Sex Stereotyping in Vocational Education*).

[65] Pamela Roby, "Vocational Education," in *Women in the U.S. Labor Force*, ed. Anne Foote Cahn (New York: Praeger, 1979), p. 214.

[66] *Sex Discrimination and Sex Stereotyping in Vocational Education*, p. 24 (statement of Marilyn Steele).

[67] U.S., Department of Health, Education, and Welfare, Office of Assistant Secretary for Planning and Evaluation, *The Challenge of Child Day Care Needs and Improved Federal and State Approaches to Day Care Standard Setting and Enforcement*, by Lela B. Costin and others, consultants to the Child Welfare League of America (Washington, D.C.: March 1977).

[68] B. Bruce-Briggs, "'Child Care:' the Fiscal Time Bomb," *The Public Interest*, no. 49 (Fall 1977), pp. 90–91.

[69] A national listing is available from Northern California Resource and Referral Network, 320 Judah St., San Francisco, Calif. 94122.

[70] Abt Associates, *Children at the Center: Summary Findings and Their Implications*, vol. 1, prepared for the Day Care Division, Administration for Children, Youth, and Families, Office of Human Development Services, U.S. Department of Health, Education, and Welfare (Cambridge, Mass.: Abt Associates, 1979), p. 2 (hereafter cited as *Children at the Center*). The figures are computed from data in *Options for Federal Support*, p. 46, table 14; and statistics for March 1978 of the U.S. Department of Labor, Bureau of Labor Statistics, in *Marital and Family Characteristics of the Labor Force*, July 1978, USDL 78–638.

[71] Hofferth, "The Implications for Child Care," pp. 98–99, table 15. The author took her figures from A.S. Grossman, "Almost Half of All Children Have Mothers in the Labor Force," *Monthly Labor Review*, June 1977, pp. A1–44; A.S. Grossman, "Children of Working Mothers," *Monthly Labor Review*, January 1978, pp. 30–33; and U.S., Department of Commerce, Bureau of the Census, *Projections of the Population of the United States: 1977–2050, Current Population Reports*, series P-25, no. 704 (July 1977).

single-parent families and small families, i.e., those without an adolescent to help care for preschoolers.[72]

As norms about employed mothers continue to change, and with inflation, more women will probably seek to work outside the home when their children are younger—in many cases under 2 and in some cases just a few weeks old. Already the demand for infant care appears to be far outpacing the supply of available centers or family day care homes.[73] In San Francisco, for example, the Childcare Switchboard turns away about half of the 50 parents who call each month for infant care.[74] In cities such as Wichita, Kansas, or Washington, D.C., centers that will take infants or toddlers have long waiting lists even before they open.[75]

To say there is an enormous need is not to say there is a need for one particular type of child care. Most families use a mixture or "package" of arrangements, combining care by parents or by school with one other regular nonparental arrangement, including day care centers and nursery schools, licensed and unlicensed family day care providers, babysitters, relatives, and other informal arrangements.[76] Such packages are often difficult and stressful to construct and can come apart easily. Parents put them together both because of a lack of affordable alternatives and because they put a premium on choosing care that reflects their values and beliefs about childrearing.[77] Meeting future child care needs requires an expansion of the options available to parents, enabling them to combine work or education more adequately with care for their children at home or out of the home.

The diversity of arrangements needed to increase equal opportunity for women includes the following:

At-Home Care: Currently, most child care is done by parents, older siblings, or another person in the child's home; this is especially true for children under 3.[78] Even as the number of women working outside the home increases over the next decade, many will want to continue to have most child care, especially of infants, done at home by themselves, their spouses, or near relatives. To make this child care need compatible with the goal of equal opportunity, flexible and part-time work options for women and men will be needed in a much broader range and level of jobs than are currently available.

Group Day Care: Despite the popular image of working mothers leaving their children in day care centers in which youngsters spend 8 to 10 hours per day, only 10–15 percent of American families currently use such arrangements.[79] (If part-day nursery school care is included, the number of those using group day care is higher[80]) Full-day center care is primarily used by two population groups: poor, usually single-parent families, eligible for public subsidy, and upper-middle-class, two-parent families, who tend to use private programs.[81] Use of day care centers has approximately doubled over the last decade; in 1978 there were approximately 18,300 licensed day care centers in the United States serving about 900,000 children.[82] Center programs are increasingly in demand, especially for preschoolers. One recent study indicates that "institutionalized child care arrangements are associated with the lowest report of constraint from employment,"[83] and *Family Circle's* 1978 survey reveals that more families would use center care if it were available at an affordable price.[84]

Family Day Care: Care of a child in the home of a nonrelative is an especially flexible arrangement for the care of infants and toddlers or of preschoolers who are in a half-day nursery school program. According to Presser and Baldwin, after group day care, family day care is the type least associated with constraints on parental employment.[85] According to Hofferth, the 1980s are likely to witness a simultaneous decline in the number of family day care

[72] Ibid., p. 102.
[73] "Job Trends Spur Need for Infant Day Care Centers," *Washington Post*, Dec. 31, 1979.
[74] Ibid.
[75] Ibid.
[76] Mary Jo Bane and others, "Childcare Arrangements of Working Parents," *Monthly Labor Review*, October 1979, p. 52.
[77] Laura Lein, "Parental Evaluation of Child Care Alternatives," *Urban and Social Change Review*, vol. 12, no. 1 (1979), pp. 12–14.
[78] Bane and others, "Childcare Arrangements of Working Parents," p. 52.
[79] U.S., Department of Health, Education, and Welfare, *The Appropriateness of the Federal Interagency Day Care Requirements: Report of Findings and Recommendations* (1978), as cited in Kristen Moore and Sandra Hofferth, "Women and Their Children," in *The Subtle Revolution*, pp. 132–33.
[80] Moore and Hofferth, "Women and their Children," p. 134.
[81] Thomas W. Rhodes and John C. Moore, *National Childcare Consumer Study: 1975*, prepared for the Office of Child Development, U.S. Department of Health, Education, and Welfare (Washington, D.C.: Unco, Inc., 1975), vol. 1, p. IV-29, table IV-23; *Options for Federal Support*, pp. 15, 18–19, table 7.
[82] C. Coelen, F. Glantz, and D. Calore, *Day Care Centers in the U.S.: A National Profile 1976–1977*, vol. III of *The Final Report of the National Day Care Study* (Cambridge, Mass.: Abt Associates, 1978), as cited in Abt Associates, *Children at the Center*, p. 3.
[83] Presser and Baldwin, "Child Care as a Constraint on Employment," p. 7 and table 2. The authors' conclusions are based upon analysis of data from U.S. Bureau of the Census, Current Population Survey, June 1977.
[84] Whitbread, "Who's Taking Care of the Children," p. 102.
[85] Presser and Baldwin, "Child Care as a Constraint on Employment," p. 7.

providers (since many will be seeking other forms of paid employment) and a rise in the need for family day care:

> In 1975 there were an estimated 95,000 licensed family day care homes. However, there may be as many as 950,000 licensed *and* unlicensed family day care homes. An estimated 1 million more homes (nonrelative and relative-operated) will be needed by 1990.[86]

Before and After School Care: Entry of their children into public school has tended to be a watershed for many American mothers; many have waited until their children are in school, which provides child care for a significant part of the day, before they seek or return to paid employment. Indeed, the public school system, through its regular school program, is the largest single supplier of child care for employed parents. While the labor force participation of mothers of preschool children is approximately 38 percent,[87] for mothers of schoolage children it is over 50 percent and rising.[88] However, normal school hours are not sufficient to meet the child care needs of many working mothers, especially if they work full time, and the supply of before and after school care does not appear to be adequate to the demand in most parts of the country.

Evening Child Care: When parents must work late shifts, or when they can only attend school at night because they must work during the day, some form of evening child care is necessary. Many parents in these situations prefer family care, while others prefer some form of reliable center care. Although there are no national figures on the amount of evening care being provided or needed, reports from child care information and referral services such as San Francisco's Childcare Switchboard indicate that such care is in demand.[89]

Campus Child Care: Given the unavailability of adequate child care in their own neighborhoods, many women can only enroll in federally supported education programs if there is some form of campus-based or supported child care. So far, however, schools and colleges have had minimal involvement in the support of child care for students. According to a report published by the Department of Labor in 1977, only 132 of 1,200 2-year and technical schools and colleges surveyed by the Center for Women's Opportunities at the American Association of Community and Junior Colleges had on-campus child care facilities.[90] According to the same study, the National Council on Campus Child Care lists only 750 4-year institutions that operate child care programs.[91]

In addition to these types of child care, one of the greatest national needs appears to be for information that will help parents to find appropriate child care. According to Edward Zigler, former director of HEW's Office of Child Development, "a major problem with day care is the lack of centralized information to help parents locate existing day care services."[92] Zigler's analysis is shared by those who advocate and those who oppose Federal support for child care and is underscored by a national survey which found that parents wanted government funds allocated, above all, to a "referral system where parents could get information about screened and qualified people and agencies to provide child care."[93]

Even if the total national need for child care cannot be defined with precision, it appears clear that different types of care are needed. Whether women will be able to enter the labor force or to seek training and education on an equal footing with men will depend, to a great extent, on the types of care that are available, including those provided or fostered by the Federal Government. The next three chapters look at how well current Federal policies and programs regarding child care are responding to the Federal goal of equal opportunity for women.

[86] Hofferth, "The Implications for Child Care," p. 109. The author's estimates are based upon statistics in U.S., Department of Health, Education and Welfare, *Children Served by Public Welfare Agencies and Voluntary Child Welfare Agencies and Institutions, March, 1975* (1976).

[87] Ralph Smith, "The Movement of Women into the Labor Force," in *The Subtle Revolution*, p. 11, figure 2. The author's data are based upon U.S. Department of Labor, Bureau of Labor Statistics, unpublished tabulations from the March 1978 Current Population Survey.

[88] U.S., Department of Labor, Office of the Secretary, Women's Bureau, *Community Solutions for Child Care*, ed. Dana Friedman (1979), p. 32.

[89] Merle Lawrence, San Francisco Childcare Switchboard, San Francisco, Calif., telephone interview, Apr. 30, 1980.

[90] U.S., Department of Labor, *Community Solutions for Child Care*, p. 32.

[91] Ibid.

[92] Edward Zigler and Susan Hunsinger, "Bringing Up Day Care," *American Psychological Association Monitor*, vol 8 no. 43 (1977), p. 9.

[93] Rhodes and Moore, *National Childcare Consumer Study: 1975*, vol. III, pp. 6–14.

CHAPTER 3

Federal Child Care Programs and Policies

Although the establishment of day care services in the United States began in the 1830s, the first significant Federal involvement did not occur until a century later. In 1933 at the height of the Depression, Works Progress Administration (WPA) funds were used to provide jobs for unemployed women, and some men, in WPA day nurseries. Four years later 1,900 programs, serving some 40,000 children, had been established.[1]

During the Second World War, Federal support of work-related day care increased. Funding from the Community Facilities Act of 1942, otherwise known as the Lanham Act,[2] was used to establish day care programs so that women could take jobs in support of the war effort. During the 1940s some $75 million in Lanham Act and related funding provided care for approximately 600,000 children, thereby enabling their parents to work.[3] Although many women clearly wanted to stay in the labor force after the war, the withdrawal of Lanham Act funds combined with government-supported preferential hiring practices for men made that virtually impossible. "After the end of the conflict, the number of women workers receded radically from the war's peak of 19.5 million to about 15.5 million workers, the same number as before the war."[4]

In the 1960s Federal involvement in day care once again increased, with programs targeted primarily at the low-income population and intended either to meet the needs of disadvantaged children or to reduce the welfare rolls by enabling welfare parents to work or to train for work. As with other Federal social welfare programs, the amount of government investment has increased substantially since the early 1960s. According to the Congressional Research Service, the Department of Health, Education, and Welfare estimated that combined Federal, State, and local spending on child care in 1965 was $12.3 million; by 1977 direct and indirect Federal spending—without State or local figures added—was approximately $2.7 billion.[5]

There is no single Federal child care program; instead, there is an assortment of programs with a variety of goals that can be used for child care purposes. Of the Federal Government's direct expenditures for child care, more than 90 percent[6] is provided through six programs targeted for low-

[1] U.S., Congress, Congressional Budget Office, *Childcare and Preschool: Options for Federal Support* (1978) (hereafter cited as *Options for Federal Support*), p. 3; Abt Associates, *Children at the Center: Summary Findings and Their Implications*, vol. 1, prepared for the Day Care Division, Administration for Children, Youth and Families, Office of Human Development Services, U.S. Department of Health, Education, and Welfare (Cambridge, Mass.: Abt Associates, 1979), p. 5 (hereafter cited as *Children at the Center*); Margaret O'Brien Steinfels, *Who's Minding the Children?* (New York: Simon and Schuster, 1973), pp. 66–67. The Congressional Budget Office is hereafter identified as CBO.

[2] 42 U.S.C. §§1521–24, 1531–35, 1541–52, 1561–64, 1571–74 (1976).

[3] *Options for Federal Support*, p. 3. See also *Children at the Center*, p. 5, and Steinfels, *Who's Minding the Children?*, pp. 66–67.

[4] Kimberly Hattaway, "Did Rosie the Riveter Give Up Her Job?: Women War Workers During and After World War II," in *New Research on Women & Sex Roles*, ed. Dorothy McGuigan (Ann Arbor, Mich.: Center for Continuing Education of Women, University of Michigan, 1976), p. 99.

[5] U.S., Congress, Library of Congress, "Child Care: The Federal Role," prepared by Margaret Malone, issue brief no. IB 77034 (1979), p. 1 (hereafter cited as "Child Care: The Federal Role").

[6] *Options for Federal Support*, p. 23.

income families: Title XX of the Social Security Act,[7] Head Start,[8] the Child Care Food Service Program,[9] Aid to Families with Dependent Children (AFDC),[10] the Work Incentive Program (WIN),[11] and Title I of the Elementary and Secondary Education Act (ESEA).[12] Almost all of the Federal Government's indirect subsidy of child care is provided through a tax credit for work-related child care expenses, used mainly by middle- and upper-income families.[13]

The Federal Government supports a wide range of activities related to child care, including direct and indirect subsidy of day care programs, direct and indirect subsidy of ancillary food and health services, research, and training. Acting in a regulatory capacity, the Federal Government also specifies the criteria (for space, staff-child ratio, etc.) which day care providers must meet in order to receive Federal subsidy.[14] Selected for presentation here are those programs and policies with the greatest overall effect, either because of the total number of people affected or total dollars spent. Federal child care policies and programs are divided into three broad areas: those related to social services (Title XX, AFDC), those related to education and child development (Head Start, Education for the Handicapped, Titles I, III, and VIII of ESEA), and those related to taxes. The Work Incentive Program (WIN) is discussed separately in the next chapter because it is the largest Federal program specifically meant to provide jobs or training to welfare dependents.

Social Services Programs

Title XX of the Social Security Act

The largest single Federal program in direct support of child care is the Title XX social services program, created under Public Law 93-647, the Social Services Amendments of 1974, and implemented January 4, 1975.[15]

Title XX provides approximately $2.7 billion[16] per year for State social service agencies to provide or purchase services that will, among other things, enable low- and moderate-income families to "achieve or maintain economic self-support to prevent, reduce, or eliminate dependency."[17] The Federal Government makes these funds available on a 75 percent matching basis, with the remaining 25 percent contributed by the State or by local public or private sources.[18] In fiscal year 1977 approximately $800 million of the $2.7 billion was spent on child care services.[19]

Under Title XX, 50 percent of expenditures must be for services to individuals in welfare-related categories—AFDC recipients, SSI recipients, medicaid eligibles, or other categorically linked, low-income individuals. The remaining 50 percent must be for individuals who meet income criteria established by the State, and may include those in families whose income does not exceed 115 percent of the appropriate State median family income adjusted for family size. However, some fee must be charged if the State provides services to a family whose income exceeds 80 percent of the State median; States are allowed to charge fees to families with even lower income.[20]

According to the Congressional Budget Office, HEW estimated that approximately 800,000 children each year receive day care services with Title XX assistance, though the Congressional Budget Office suggests that "this estimate may prove to be substantially lower than what actually occurs."[21]

Title XX and Equal Opportunity for Women

Title XX has, among its goals, to assist individuals and families in "1. Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency; 2. achieving or maintaining self-sufficiency, including reduction or prevention of dependency."[22] However, Federal eligibility policies, along with State decisions to prioritize their limited funds based on income rather than on need to work, restrict the ability of women either to achieve or to maintain economic self-sufficiency. The effect of these policies on families that need to maintain

[7] 42 U.S.C. §§1397-1397f (Supp. 1979).
[8] 42 U.S.C.A. §§2921-2923, 2928-2928n (Supp. 1979).
[9] 7 C.F.R. Part 226 (1979). *See* National School Lunch Act, 42 U.S.C.A. §§1752-1769c (1978 and Supp. 1979).
[10] 42 U.S.C.A. §§601-611 (1978 and Supp. 1979).
[11] 42 U.S.C. §§630-644 (1976).
[12] 20 U.S.C.A. §§2701-2854 (Supp. 1979).
[13] *Options for Federal Support*, pp. 23 and 27, table 10. The figures are based upon estimates by the Congressional Budget Office and the Treasury Department.
[14] 44 Fed. Reg. 34754-34781.
[15] Title XX is codified at 42 U.S.C.A. §§1397-1397f (Supp. 1979).
[16] *Options for Federal Support*, pp. 23, 27.
[17] 42 U.S.C.A. §1397(1) (Supp. 1979).
[18] *Options for Federal Support*, p. 27, n. 1.
[19] Ibid., pp. 24-26, tables 9 and 27. The figures are from the Departments of the Treasury and of Health, Education, and Welfare, and the Congressional Budget Office.
[20] 42 U.S.C.A. §1397a(a)(4)-(6) (Supp. 1979).
[21] *Options for Federal Support*, p. 28.
[22] 42 U.S.C.A. §1397 (Supp. 1979).

employment and earn moderate income is especially negative.

Title XX eligibility criteria tend to restrict women to low-income jobs, thereby acting as a disincentive to equal opportunity. The enactment of Title XX marked a major step by the Federal Government to weaken the link between welfare and federally supported day care. The statute allows (but does not require) States to subsidize the full cost of day care for low-income families and, by using sliding-fee scales, a decreasing part of the cost of day care for families as their earnings rise to 115 percent of the State median.[23] In principle, then, Title XX could provide an incentive for individuals to increase earnings and gradually increase the amount they pay for child care until their income reaches 115 percent of the State median. According to Wheelock College Professor Gwen Morgan, an expert on child care and social policy, "The assumption here is that at 115 percent, people can pay the full cost of child care. Below 115 percent of the median, few families can afford to pay more than 10 percent of total income for child care."[24]

Moreover, according to a review of all 1979 State Title XX plans, only seven States (California, Maine, Minnesota, Mississippi, New Hampshire, Oregon, and Pennsylvania) set Title XX eligibility at 115 percent.[25] Most States set the maximum eligibility level at or below 80 percent;[26] for example, in New Mexico it was 70 percent; Alabama, 55 percent; Hawaii, 51 percent; Nevada, 50 percent; and Rhode Island, 42.4 percent.[27] In 1979 many States were also in the process of lowering maximum eligibility levels for day care and other services.[28]

The Title XX policy of most States results in a precipitous withdrawal of all day care subsidy at the point where a woman's earnings place her family income over the State's maximum eligibility point.[29] Because that point is well below 115 percent of median income in most States, employed mothers are rarely able to assume the full cost of child care. Title XX thus helps women move toward self-sufficiency but makes them ineligible for child care subsidies before they have achieved it. According to a report from the General Accounting Office, "A sudden cut-off of day care assistance encourages a family to reduce its earnings to remain eligible for day care."[30]

Just how soon the cutoff point comes for any woman depends on the State in which she lives. In New Mexico, for example, where the cutoff point was 70 percent of the State's median income in 1979, a single mother with two children became ineligible for any day care subsidy once she was earning $7,380. In Alabama, where the cutoff was 55 percent, she would have lost the day care subsidy once she earned $5,739; and in Rhode Island, where the cutoff was 42.4 percent, she would have lost it once her income exceeded $4,899. In Maine, by contrast, where eligibility continued up to 115 percent of the State median income, she would have maintained partial subsidy until she was earning over $11,283.[31]

Consider, for example, the hypothetical situation of Mary Smith, a single mother who, with a combination of loans and scholarships, is enrolled in a New Mexico program that is training her to become an electronics technician. While she is in training, and earning virtually nothing, Smith's two children are subsidized by Title XX to attend a day care center near her home. However, when Smith graduates, she obtains a job paying $7,500, which is just over that State's maximum eligibility level for a family of three.[32] Because Smith is no longer eligible, she immediately has to pay the full cost of care for her daughter, which is more than $3,000 at the center the child has been attending for 2 years. Smith cannot remain employed without day care and does not want to remove her child from a program in which she has formed important attachments. However, she cannot afford this day care,

[23] *Id.*, §1397a(a)(6)(A)

[24] Gwen Morgan, professor of child care and social policy, Wheelock College, Boston, Mass., telephone interview, Feb. 2, 1980.

[25] U.S., Department of Health, Education, and Welfare, *Technical Notes: Summaries and Title XX Social Security Plans for Fiscal Year 1979*, prepared by Gloria Kilgore and Gabriel Salmon (hereafter cited as *Technical Notes*), pp. 64–65.

[26] Ibid., p. 12.

[27] Ibid., pp. 14 (Alabama), 15 (Hawaii, Nevada, and Rhode Island), and 40 (New Mexico). The figures provided in the text are the usual eligibility standards, which may vary in specific cases in States that allow exceptions for certain groups of persons. Hawaii, for example, sets eligibility at 68 percent of median income for children who require developmental disability services provided as a component of health support services.

[28] Ibid., pp. vi, 9, 10, 66.

[29] U.S., General Accounting Office, *Opportunities for HEW to Improve the Administration of Day Care Services: Report by the General Accounting Office*, HRD78-81 (1978).

[30] Ibid., p. 25.

[31] Computed from figures for State median incomes for a family of four (adjusted for a family of three), supplied by Gloria Kilgore, U.S. Department of Health, Education, and Welfare, Office of the Assistant Secretary of Planning and Evaluation, January 1980. The State eligibility cutoff figures were taken from HEW, *Technical Notes*, pp. 14 (Alabama), 15 (Rhode Island), 17 (Maine), and 40 (New Mexico).

[32] Ibid.

nor can she find a suitable alternate arrangement that she can afford.

Faced with this dilemma, Smith can settle for an unacceptable child care arrangement, go on AFDC, or take a lower paying job. In this case she chooses to work, applying for a clerical position with the same company. In so doing, she is able to keep her daughter in the same day care program, but she sacrifices 2 years of training and the Nation loses her productivity. She hopes to return to work as an electronics technician in 3 years when her daughter is in first grade; at that point, she will undoubtedly need further training.

Smith is only able to maintain continuous care for her daughter by discontinuing her own career. Other families whose incomes rise over the State cutoff point may have no choice but to move their children from one program to another, thereby interrupting the continuity of care that is important for child development.

To reduce this effect, eight States (California, Maine, Massachusetts, Minnesota, Mississippi, New Hampshire, Oregon, and Pennsylvania) implemented sliding-fee scales up to the maximum federally permitted cutoff point of 115 percent of State median income, which allow families to increase income gradually without losing child care. Parental payments for day care increase by small amounts as income rises, and as parental payments increase, the amount of Title XX dollars decreases.[33]

Currently, Title XX legislation requires sliding-fee scales if States change either mandatory or discretionary fees, but does not require States to set day care eligibility at 115 percent of median income.[34] Without a federally mandated policy enabling women to continue to increase earnings up to 115 percent of State median income without a loss of child care, the effect of Title XX on women's equal opportunity varies considerably from State to State.

It should be noted, however, that in some States where welfare benefits are very low and jobs plentiful, sliding-fee scales can help maintain continuity of women's employment even when the Title XX eligibility cutoff point is low. In Orlando, Florida, for example, where eligibility cutoff is 55 percent of State median income, the sliding scale used by the Community Coordinated Child Care of Central Florida (4C program) appears to have had dramatic results on employment opportunities[35] for women. According to Phoebe Carpenter, administrator of the program:

> We have enabled many women to get completely off welfare, where they were earning zero income, and move into minimum wage jobs as hotel maids, restaurant help, bank tellers. . . .And we've enabled many others to move into training programs for nursing and office and management jobs. Once they're in those jobs they're able to pay the full cost of care themselves. Without our sliding fee scale, they'd have to be current welfare recipients to get help with child care.[36]

A 1979 study by the University of Central Florida's College of Business Administration reports that the availability of child care on a sliding-fee scale basis resulted in almost a 50 percent reduction in welfare recipiency for those families, a 122 percent improvement in employment, and a marked rise in family income, with the largest increases going to families whose children stayed in the 4C program for more than 2 years. Moreover, the higher income was largely related to promotions (29.2 percent), better paying jobs (20.8 percent), or more skills (11.1 percent) for women; only 9.7 percent of pay gains resulted from increases in husband's incomes.[37]

In husband-wife families, Title XX eligibility criteria act as a disincentive to wives' employment even when one income will not support the family. The majority of families using Title XX are headed by single mothers for whom the sudden cutoff acts as a disincentive to advancement. In husband-wife families, the cutoff typically acts as a disincentive not only to advancement, but to wives' employment.

Consider the hypothetical case of an Ohio couple with two children, ages 2 and 4. Working as a hospital orderly, the father earns $8,500 per year, which is not enough for the family to live on. By taking on minimum-wage clerical work at a local bank, the mother could boost total family income to

[33] A detailed summary of each State's fee schedule may be found in HEW, *Technical Notes*, pp. 50–61.
[34] 42 U.S.C.A. §1397a(a)(6)(A) (Supp. 1979).
[35] Phoebe Carpenter, administrator, Community Coordinated Child Care of Central Florida, Orlando Fla., telephone interview, Jan. 24, 1980.
[36] Ibid.
[37] Djehani A. Hosni, *An Economic Analysis of Child Care Support to Low-income Mothers* (Orlando, Fla.: College of Business Administration, University of Central Florida, March 1979), p. 7.

approximately $14,545 before paying out necessary child care expenses.[38] Since full-time center care for two children may cost approximately $6,000 a year in many States, the mother's earnings will not really help the family unless child care is partially subsidized by Title XX. In Ohio, however, where the Title XX cutoff is 80 percent of State median income, a family of four can only receive child care subsidy if its total income is below $14,012.[39]

For this family, like many families that depend on two workers just to achieve a moderate income, the choices are not very encouraging. On the one hand, the mother can only go to work if the family has child care that it can afford; on the other hand, the family can only maintain eligibility for Title XX child care if she earns less than $5,000 or if she separates from her husband.

By restricting parental choice of child care, Title XX contracting procedures act as a barrier to equal opportunity. In making decisions about employment, most parents place great emphasis on the type of child care that is available; as Laura Lein's research suggests, parents' decisions are based on various factors, including the age of the child and personal values.[40]

However, as the Congressional Budget Office notes, "the Title XX program places substantial restrictions on the choices of participating mothers."[41] Each State department of social services contracts with a certain number of child care programs to provide Title XX day care, and parents can use only those programs. However, unless positions are available in a contracted program, eligible mothers simply cannot enter the program. According to a statement prepared for the Massachusetts Employment and Economic Administration by the Child Care Resource Center in Cambridge, Massachusetts, "For Title XX eligible parents the situation is particularly grim. Day care centers with Title XX contracts do *not* have openings on their contracts at the time the parent needs them."[42]

Even if Title XX programs do have openings, the lack of any Federal mandate for the States to encourage parental choice means that the types of child care available to low-income families may be restricted. Such restrictions vary from State to State. According to Gwen Morgan:

> Where the State has primarily contracted for family day care, a low-income mother may want to place her four-year-old in a day care center—much as middle class parents want to send their children to nursery school; however, she may only be able to take advantage of the Title XX subsidy if she is willing to place her child in family day care. Conversely, in States where Title XX contracts are primarily with day care centers, low-income parents may not be able to choose family day care at all.[43]

Although restriction of parental choice is a common feature of Title XX day care, it is not inherent in Federal Title XX policy, and it appears that it could be changed. In Massachusetts, for example, according to Professor Morgan, "Several Title XX contracts have been developed with day care 'systems' that provide either family day care or group day care; parents can choose either one, depending on their preferences and the needs of the child. Similar mechanisms have been established in Madison, Wisconsin and Wichita, Kansas."[44] In Orlando, Florida, the Community Coordinated Child Care of Central Florida "takes the position that child care assistance must help low income families do what *they* wish for their children, giving them information and freedom of choice."[45] This program enables parents to choose from virtually any child care program that has been licensed by the county.

Another way of increasing parental choice would be to use Title XX dollars to provide child care information and referral services to the general population. However, a national study of child care information and referral prepared for the Ford Foundation and the U.S. Department of Health, Education, and Welfare indicates that "planning for and implementation of I&R [Information and Referral] under Title XX has not focused on day care."[46]

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[38] Computed by taking minimum wage ($3.10 per hour) x 37.5 hours per week x 52 weeks per year.

[39] The figure for median income was taken from figures supplied by Gloria Kilgore, U.S. Department of Health, Education, and Welfare, Office of the Assistant Secretary of Planning and Evaluation, January 1980. The State eligibility figure was taken from HEW, *Technical Notes*, p. 12.

[40] Laura Lein, "Parental Evaluation of Child Care Alternatives," *Urban and Social Change Review* vol. 12, no. 1 (1979), pp. 11-16.

[41] *Options for Federal Support*, p. 57.

[42] Child Care Resource Center, Cambridge, Mass., memorandum to Massachusetts Employment and Economic Administration, 1979, p. 1.

[43] Gwen Morgan, professor of child care and social policy, Wheelock College, Boston, Mass., telephone interview, Feb. 2, 1980.

[44] Ibid.

[45] *Child Care and Child Development Program 1977-78*, p. 824 (statement of Phoebe Carpenter).

[46] Joseph O'Hara and others, *Project Connections: A Study of Child Care Information and Referral Services. Phase I Results: A National Profile of Child Care Information and Referral Services* (Cambridge Mass.: American Institute for Research in the Behavioral Sciences, 1980), p. 3.

Lack of a maintenance of effort clause in the legislation adding new day care money to Title XX has, when combined with inflation, produced a net reduction in the availability of already insufficient Title XX day care services. In 1976 legislation was enacted to provide additional funds for States to upgrade day care standards to comply with Federal Interagency Day Care Requirements (FIDCR)[47] and to employ welfare recipients in child care jobs.[48] However, in the absence of a maintenance of effort clause, which would have protected existing levels of day care expenditure, States appear to have simply substituted new money for old. According to a 1978 report by the Urban Institute:

> Although the actual use of these funds has not been determined, preliminary data indicate that 20 States, representing nearly three-fifths of the nation's social services program, may not have used the majority of those funds in ways apparently intended by the legislation. In these states, P.L. 94–401 funds were substituted for funds previously allocated for child care. This supplantation freed funds for use in other program areas, often resulting in little or no actual expansion of day care services.[49]

With little change in the level of expenditures, inflation has eaten into the level of services provided with the same money under Title XX.

AFDC Work Expense Allowance, Title IV-A of the Social Security Act

Aid to Families with Dependent Children (AFDC),[50] established under the Social Security Act, makes cash payments to support the welfare of low-income families with children. States determine the assistance payment levels, and the Federal Government pays at least 50 percent of each State's cost.[51]

AFDC grew initially out of "State legislation providing mothers' pensions intended to help widows rear children until they were old enough to work"[52] and so historically applied to fatherless families. Today in only 27 States do AFDC guidelines allow for support of two-parent families in which the father is unemployed or partially employed.[53]

The goal of AFDC is to encourage:

> the care of dependent children in their own homes or in the care of relatives. . .and to help such parents or relatives to attain or retain capability for the maximum self-support and personal independence consistent with the maintenance of continuing parental care and protection. . . .[54]

When AFDC recipients are employed, their benefits are reduced according to a formula based on their earned income and work-related expenses.[55]

AFDC assists in two ways with the child care expenses of parents who are in paid employment and who are not receiving Title XX day care services. First, child care is a work-related expense. The AFDC work expense allowance requires States, in computing an applicant's income to determine eligibility, to deduct from earned income the cost of child care necessary to maintain employment.[56] Approximately $84 million was spent under this provision in fiscal year 1977 and about 145,000 children were served.[57] Second, once eligibility is determined, the AFDC "income disregard" formula, allowing AFDC recipients to deduct the first $30 of monthly earned income plus one-third of the remaining income, includes the payments for child care while recipients are employed.[58] The income disregard formula refers to an amount of income, adjusted for family size, that the Federal Government excludes from the calculation of earnings of individuals when determining their eligibility for welfare. Its purpose is to encourage employment. Under both of these forms of subsidy, unlike Title XX, the child care purchased by parents can be of any type.

AFDC and Equal Opportunity for Women

The AFDC program is a product of traditional ideas about the role of women as mothers who are supposed to stay home and take care of children. The historical background of AFDC has significant-

[47] 45 C.F.R. §71 (1979).
[48] Pub. L. 94–401, §3(b), 90 stat. 1216 (1976).
[49] Bill Denton, Tracy Field, and Rhona Miller, *Social Service. Federal Legislation vs. State Implementation* (Washington, D.C.: Urban Institute, 1978), p. 60.
[50] 42 U.S.C.A. §§601–11 (1978 and Supp. 1979).
[51] A complex formula for computing amounts reimbursed to the States is set forth in *id.*, §603. In practice, it works out that the Federal share is at least 50 percent. U.S., Congress, Library of Congress, "Aid to Families with Dependent Children: Structural Change," prepared by Vee Burke, issue brief no. IB 74013 (1979), p. 1 (hereafter cited as "Aid to Families with Dependent Children").
[52] Sheila Kamerman and Alfred Kahn, *Family Policy: Government and Families in Fourteen Countries* (New York: Columbia Press, 1978), p. 447.
[53] "Aid to Families with Dependent Children," p. 1.
[54] 42 U.S.C. §601 (1976).
[55] *Id.*, §602(a)(7) (Supp. 1979).
[56] *Id.*
[57] *Options for Federal Support*, p. 30. According to this study, the estimate was supplied by the Department of Health, Education, and Welfare.
[58] 42 U.S.C.A. §602(a)(8)(A)(ii) (Supp. 1979).

ly determined present policy, which has not adapted sufficiently to meet the changing profiles of low-income families and of women wishing to enter the work force. Both the child care provisions and eligibility criteria for AFDC limit equal opportunity for women in several ways.

Although the achievement of economic self-sufficiency is a basic goal of the AFDC program, there are disincentives to the employment of recipients that are built into the payment structure. The AFDC day care allowance (along with the $30 and 1/3 formula) does not fully take into account the economic realities for women. To pay for day care at market price is often costly. If a woman's increased earnings jeopardize much-needed financial support in the form of eligibility for medicaid or other Federal programs, she may choose not to earn more. In effect AFDC, like Title XX, can act as a disincentive to increased earnings.

Consider, for example, the hypothetical case of a single mother with one child who works at an unskilled job and makes $433 a month gross pay and assume that she is eligible for $260 a month from welfare. A total of $164—$30 plus 1/3 of the remainder of her gross work income—is disregarded as a work incentive. After deducting work-related expenses—taxes and social security ($108), transportation ($22), and child care costs ($130)—$9 remains. Deducting the $9 from her welfare check and adding in the $164 income disregard brings her net monthly income from welfare and her job to $415. While $415 is decidedly an improvement over the $260 she would get from welfare were she not to work, it will still be inadequate given spiraling inflation. However, should this woman decide to seek training for a slightly better job, she might jeopardize her eligibility for welfare, losing substantial benefits (medicaid, child care subsidy, transportation to and from work, etc.).

A similar disincentive to increased earnings operates in two-parent families, where loss of medicaid and other benefits discourages the homemaker parent from seeking outside employment. In such situations, work-related expenses increase with increased employment by both parents.

Education and Child Development Programs

The Federal Government subsidizes a number of educational programs which, though not necessarily designed for day care, can sometimes be used to help in that respect, much as parents use the public schools as a form of child care in order to work. The major Federal child development and education programs that can serve this purpose are: Head Start;[59] Titles I,[60] III,[61] VII,[62] and VIII[63] of the Elementary and Secondary Education Act; and the Education for all Handicapped Children Act.[64]

Head Start

Launched in 1965 as part of the "war on poverty," Head Start is a comprehensive preschool program that also offers medical, nutritional, and social services.[65] Ninety percent of the children it serves are from families with low income; 10 percent of Head Start slots are reserved for children with special needs.[66] The Federal Government provides 80 percent of the costs of operating Head Start programs and local administering agencies (public or private) provide the remaining 20 percent.[67] According to the Congressional Budget Office, Head Start served 349,000 children in fiscal year 1977.[68] In that same year, according to the Congressional Research Service, Federal expenditures for the program totaled $473 million, a figure that CRS expected to increase steadily and reach $735 million in 1980.[69]

Most Head Start programs operate on a school-year calendar, with hours slightly longer than traditional nursery school hours, approximately 9 a.m. to 12:30 p.m. In 1974, however, 120,000 children (of a total 380,000) were attending full-day Head Start programs at a Federal cost of $123 million of a total Head Start expenditure of $400 million).[70] In 1978–79 about 21.7 percent of full year Head Start grantees were operating full-day programs.[71] Full-day Head Start can mean anything

[59] 42 U.S.C.A. §§2921–23, 2928–2928n (Supp. 1979).
[60] 20 U.S.C.A. §§2701–2854 (Supp. 1979).
[61] *Id.*, §§2941–3062 (Supp. 1979).
[62] *Id.*, §§3221–61 (Supp. 1979).
[63] *Id.*, §§3281–95 (Supp. 1979).
[64] *Id.*, §§1401–1461 (1978 and Supp. 1979).
[65] 42 U.S.C.A. §§2921–23, 2928–2928n (Supp. 1979)
[66] 45 C.F.R. §1305.4 and .5 (1979).
[67] 42 U.S.C.A. §2928b(c) (Supp. 1979).
[68] *Options for Federal Support*, p. 28. The Congressional Budget Office obtained this estimate from HEW's Administration on Children, Youth, and Families.
[69] Library of Congress, "Child Care: The Federal Role," p. 2.
[70] Sheila B. Kamerman and Alfred J. Kahn, *Social Services in the United States: Policies and Programs* (Philadelphia: Temple University Press, 1976), p. 54.
[71] Barbara Bates, Head Start Evaluation Unit, Administration for Children, Youth, and Families, U.S. Department of Health, Education, and Welfare, letter to James A. Levine, Apr. 17, 1980; calculated from program

above 6 hours, whereas full day in Title XX usually means 8–12 hours.

Head Start and Equal Opportunity for Women

Though it includes a significant number of full-day programs, Head Start was not designed to meet child care needs of working parents. As a 1972 directive to local Head Start administrators explains:

> the appropriate duration of an educational enrichment program for preschool children is no more than six hours per day. Beyond this period, it is desirable for a child to return to his own family unless there is no suitable caretaker in the home due to employment, illness, or other reasons. Only in such cases may the basic Head Start program be supple- mented to provide full day care for the child.[72]

The effect of Head Start on educational and employment opportunities for women is unclear. A 1977 collection of abstracts of Head Start research done since 1969 noted that "No studies addressed the question of how many mothers entered the work-force as a result of having Head Start available to them."[73] Although the Head Start parent involvement component includes providing educational opportunities for economic advancement, its emphasis is on improving parenting skills. According to a "National Survey of Head Start Graduates and Their Peers" conducted by Abt Associates and reported in "What Head Start Means to Families," although 95 percent of parents "enthusiastically endorse Head Start as having been helpful to them personally. . . only 8% of the 647 parents responding in this study reported that Head Start had helped them to find jobs, and only 9% that Head Start had helped them acquire education."[74]

Perhaps the clearest effect on women's employment opportunities has been the program's hiring of mothers of enrolled children. In 1978, 25 percent of Head Start's full-day paid staff were Head Start parents.[75] Little research has been done to show statistically the distribution of jobs held by Head Start parents, although some parents have been able to work themselves up the career ladder to positions as teacher, component director, or program director.[76] According to Gwen Morgan:

> Since most jobs in Head Start begin at extremely low salaries, the Head Start program can be used as a support for that employment. However, if parents work themselves up the career ladder, they are seldom able to continue to use Head Start for child care purposes unless their wages remain low.[77]

Eligibility guidelines for Head Start offer little incentive for parents to increase earnings. Head Start is targeted predominantly for families below the poverty level (at least 90 percent of the participating children must be from these families), severely restricting its availability to many whose incomes are even slightly above the cutoff point.[78] In 1980 the federally defined poverty level for a nonfarm family of four living in the continental United States is $7,450 income per year.[79] A family of four with an income of $7,000 is not eligible unless there is a serious need or the 10 percent nonincome-related category has space. A family whose income makes its child eligible for Head Start can keep the child in the program even if its earnings rise above the income limit, if the child can be included in this nonincome-related category.[80] (The fact that the percentage is limited to 10 percent means that few such parents can increase their earnings.) However, if a woman does become "over income" while her child is in a program, no other sibling would be eligible for enrollment.[81]

Elementary and Secondary Education Act

Several titles[82] of the Elementary and Secondary Education Act make allowances either explicitly or

information report data prepared by National Institute for Advanced Studies, Feb. 9, 1980.

[72] U.S., Department of Health, Education, and Welfare, Office of Child Development Transmittal Notice 72.6, Aug. 21, 1972 (accompanying DCD Notice N-30-336-1-00).

[73] Ada Jo Mann, Adele Harrell, and Maure Hurt, *A Preview of Head Start Research Since 1969 and Annotated Bibliography*, HEW publication no. (OHDS) 78-31102 (1977), p. 43.

[74] U.S., Department of Health, Education, and Welfare, Office of Human Development Services, Administration for Children, Youth, and Families, *What Head Start Means to Families*, by Ann O'Keefe (1980), p. 21.

[75] Barbara Bates, Head Start Evaluation Unit, Administration for Children, Youth, and Families, U.S. Department of Health, Education, and Welfare, letter to James Levine, Apr. 17, 1980; calculated from program information report data prepared by the National Institute for Advanced Studies, Feb. 29, 1980.

[76] Barbara Bates, telephone interview, Apr. 25, 1980.

[77] Gwen Morgan, professor of child development and social policy, Wheelock College, Boston, Mass., telephone interview, Dec. 11, 1980.

[78] 45 C.F.R. §1305.2(b)(1) and (2).

[79] U.S., Department of Health, Education, and Welfare, Administration for Children, Youth, and Families, Transmittal Notice TN-80.3 (1980).

[80] 45 C.F.R. §1305.4 (1979).

[81] *See* 45 C.F.R. §1305.6(b) (1979) ("If a child has been found eligible and is participating in a Headstart program, he or she remains eligible through the enrollment year with respect to which such eligibility determination was made and the immediate succeeding enrollment year.").

[82] Title I, codified at 20 U.S.C.A. §§2701-2854; Title III, codified at *id.*, §§2941-3062; and Title VIII, codified at *id.*, §§3281-95 (Supp. 1979).

implicitly for provision of day care in conjunction with other educational programs.

Enacted in 1965 and amended in 1978, Title I (Financial Assistance to Meet Special Educational Needs of Children) provides financial assistance to school systems to: "expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children."[83]

Although the amount of Federal aid is based primarily upon the number of children from low-income families,[84] all educationally deprived children may receive compensatory education. The legislation does not make specific reference to day care as an eligible activity nor does it encourage such use, but if a local educational agency complies with prescribed conditions, it "may use funds received under this subchapter for health, social, or nutrition services for participating children. . . ."[85] The U.S. Office of Education estimated that some 8 percent of Title I children (approximately 367,000) were enrolled in preschool or kindergarten in 1979; however, few day care programs are being provided nationally under Title I.[86]

Under Title III (Special Projects, Part D Pre-School Partnership Programs) legislation provides for

> pilot projects between local educational agencies and Project Head Start. . .which will provide a smoother and more successful transition to formal schooling for certain pre-school aged children and thereby improve their long term achievement in elementary school.[87]

This title allows funding of early childhood and family education programs, which may include "education of parents in child development" and "home-based programs of early childhood and family education."[88] However, as of 1979, the administration had not requested, nor had Congress appropriated, funds for the program.[89] In any event, funding policy may severely restrict its use as a mechanism for public school-based preschool day care, since a regulation proposed in 1979 provides that, in transition projects for preschool children of low-income families, continued funding is available only if the grantee uses

> whatever financial resources, in addition to the grant award, which are necessary for it to begin new participant groups after the first grant year and to complete the approved project activities for each participant group enrolled during the period of Federal project support.[90]

Title VIII of the Education Amendments of the Elementary and Secondary Education Act, the Community Education Program, offers opportunities to provide for or partially support day care both for preschool and school-age children. It has, among its objectives:

> to provide in collaboration with other public and nonprofit agencies educational, recreational, cultural, and other related community and human services, in accordance with the needs, interests, and concerns of the community through the expansion of community education programs. . . .[91]

Education for All Handicapped Children Act

Enacted in 1975, the Education for All Handicapped Children Act[92] was designed to ensure the right of access of every handicapped child to public education and to "assure the effectiveness of efforts" of that education to meet the special needs of handicapped children.[93] The act mandates publicly supported service for all handicapped children between the ages of 3 and 21.[94] Incentive grants are available for States to develop services for 3-to 5-year-olds.[95] The act makes no provision for children from birth to age 3.

"Handicapped children" are defined by the law as children who are "mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children, or children with specific learning disabilities. . . ."[96] By law, a child must receive services in regular educa-

[83] *Id.*, §2701.
[84] *Id.*, §§2711(a)(2)(A), and 2711(c).
[85] *Id.*, §2734(f)(2).
[86] Mark Blasey, U.S. Office of Education, Washington, D.C., telephone interview, Nov. 15. 1979.
[87] 20 U.S.C.A. §2971(a)(Supp. 1979).
[88] *Id.*, §2971(c)(2) and (3).
[89] Mark Blasey, U.S. Office of Education, Washington, D.C., telephone interview, Apr. 29, 1980.
[90] 44 Fed. Reg. 33039 (June 7, 1979) (to be codified in 45 C.F.R. §161d.9(d)).
[91] 20 U.S.C.A. §3282(b)(1) (Supp. 1979).
[92] 20 U.S.C.A. §§1401–1461 (1978 and Supp. 1979).
[93] *Education For All Handicapped Children Act of 1975*, S. Rep. No. 94–168, 94th Cong., 1st sess. 9 (1975), *reprinted in* 2 U.S. Code Cong. and Ad. News 1425, 1433 (1975).
[94] 20 U.S.C. §1412 (2)(B) (1976).
[95] *Id.*, §1419(a)(3).
[96] *Id.*, §1401(1).

tion programs, not in segregated programs unless "the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."[97] Each child is guaranteed an individualized education program (IEP) that specifies the child's present level of educational performance, instructional goals, educational services to be provided for the child, when these services will begin and terminate, and evaluation criteria.[98] The act does not deal explicitly with the day care needs of handicapped children and their parents.

According to Martha Ziegler of the Federation of Children with Special Needs in Boston, Massachusetts:

> The length of the school day and a lack of after school activities prohibit many mothers of handicapped children from participation in employment or educational opportunities. Such women, especially low- or moderate-income women ineligible for welfare support, are thus in a double bind. Because their children often require costly special services and equipment, they have a great need to earn income; however, they cannot earn that income unless after school day care is available for their handicapped children.[99]

Problems with State implementation further complicate this issue. The law does authorize support for some extracurricular activities such as recreation and physical education.[100] However, according to Ms. Ziegler,

> Many States are far behind in implementing the regular school program, leaving the question of additional services unaddressed. In States which do provide services for preschool children, much of it is on a patchwork basis, with several agencies providing different services funded from various sources. There appears to be no State where a comprehensive program exists, providing morning and afternoon programs for children with special needs.[101]

Income Tax Policy

Federal tax policy subsidizes the care of children primarily through the dependency exemption, an exemption available to taxpayers regardless of earnings or means of child care.[102] To make allowances for child care specifically related to employment or education, the Internal Revenue Code has two provisions: (1) a rapid building amortization provision, designed to encourage employers to provide child care facilities for their employees;[103] and (2) the credit for child and dependent care expenses, designed to offset, in a simple and equitable manner, a limited amount of child care costs related to work or education.[104] The tax credit represents the largest indirect Federal expenditure on child care, approximately $500 million in 1977.[105]

The Credit for Child and Dependent Care Expense

From 1954 through 1975, various provisions of the U.S. Tax Code allowed for deduction of certain work-related child care expenses.[106] In the Tax Reform Act of 1976, Congress replaced these deductions with a nonrefundable credit that offsets part of the expenses of providing care for children under 15 as well as certain other dependents. The allowable credit is 20 percent of expenses up to $2,000 (a maximum of $400) for the care of one child and up to $4,000 (a maximum of $800) for the care of two or more children. The amount for a married taxpayer may not exceed the lesser of his or her earned income or that of the taxpayer's spouse, unless the spouse is a full-time student.

Generally, no distinction is made between expenses paid for child care inside or outside the home, and payments may be made to nondependent relatives who pay the appropriate social security tax on earnings.[107] In fiscal year 1977, according to the Congressional Research Service, the tax credit provided approximately $500 million in support for child care. The 1980 budget analysis indicates that this figure increased to $550 million in 1978 and is expected to be $610 million and $705 million in 1979 and 1980, respectively.[108]

Tax Credit and Equal Opportunity for Women

Implementation of the credit for child care and dependent expenses made child care-related tax

[97] *Id.*, §1412(5)(B).
[98] *Id.*, §1401(19).
[99] Martha Ziegler, Federation of Children with Special Needs, Boston, Mass., telephone interview, Dec. 7, 1979.
[100] 20 U.S.C. §1434 (1976).
[101] Martha Ziegler, Federation of Children with Special Needs, Boston, Mass., telephone interview, Dec. 7, 1979.
[102] 26 U.S.C. §44A (1976).
[103] 26 U.S.C.A. §188 (1978).
[104] 26 U.S.C.A. §44A (Supp. 1979).
[105] *Options for Federal Support*, pp. 23 and 24-26, table 9. The data are based upon estimates by the Congressional Budget Office and the Departments of the Treasury and Health, Education, and Welfare.
[106] *E.g.* Pub. L. 88-272, Title II, §212(a) 78 stat. 49 (1964).
[107] 26 U.S.C.A. §44A (Supp. 1979).
[108] Library of Congress, "Child Care: The Federal Role," p. 2.

benefits more widely available than they had been under the previous deduction mechanism. However, if the credit is viewed as a limited subsidy, the subsidy is low enough that some women may still choose to remain at home rather than to seek employment:

(1) The tax credit is of limited usefulness to moderate-income families, who may be ineligible for or unable to use Title XX day care. The tax credit is largely of use to middle- and upper-income families. In 1977, 43 percent of the tax credit claims were made by families with incomes over $20,000, 43.6 percent were made by families with incomes between $10,000 and $20,000, and only 14 percent of claims were made by families with incomes below $10,000.[109]

If families with incomes below $10,000 did claim the credit, few of them would pay a tax great enough to offset one-fifth of their child care expenditures. They would not recover all the tax credit to which they are entitled. Families earning so little that they pay no tax, of course, would derive no benefit from the credit, even though their child care expenses might be the same as those of another, higher income family paying a tax.

Working families with incomes just above the Title XX cutoff figure are ineligible for any child care subsidy through Title XX. However, to benefit significantly from the tax credit, they would have to spend more money on child care than they can afford. In some areas, for example, full-time center care or family care for a preschooler costs an average of $45 per week; toddler and infant care may cost between $60 an $80 per week. If a woman is paying $2,340 per year for center care at the rate of $45 per week, the tax credit covers only $400 of those costs, or the equivalent of 2 months care for one child. For a woman whose income is in the $10,000-$15,000 range, the actual tax advantages are insignificant.[110]

If a woman took a minimum wage job and had only one child to find care for, the costs would be more than 30 percent of her before-tax earnings. This proportion far exceeds the average amounts (one-fifth to one-sixth of weekly earnings) that women spend on child care even with the aid of the tax credit.[111]

(2) The tax credit was not designed to meet the part-time education-related child care needs of single mothers. Of all groups of women, single mothers are the most likely to be in the labor force and thus to need some form of day care.[112] They are also likely to be earning low levels of income; in 1978, 49 percent of poor families were headed by women.[113]

The provisions of the tax credit allow for child care related to employment or full-time education, making no special provision for single mothers who, in addition to working full-time or part-time to provide necessary income, can only upgrade their income through part-time training or education. As Dorothy Burlage found in her study of the efforts of single mothers to combine breadwinning and child-drearing, the tax credit system was not helpful to these women when they sought to enter training programs to increase marketable skills: "if a woman becomes separated and needs to refine her typing skills in a refresher course for two weeks before she can get a job, the tax credit would not assist her with child care expenses while she does so."[114] Nor would it help a single-parent secretary who enrolls part-time in the evening division of her local community college.

This limitation of the tax credit particularly affects women whose moderate income puts them just above the eligibility level of participation in any Title XX day care programs.

(3) The tax credit is of limited usefulness to single mothers who often rely on care of young children by babysitters or by other neighborhood women. For many women, especially single mothers, child care presents a double bind. On the one hand, subsidy through Title XX is not an option, either because they are ineligible or because, even though they are eligible, no Title XX care is available. On the other hand, they cannot afford to purchase child care in the open market from day care centers or licensed family day care homes.

In these situations, women can only afford child care at home by babysitters or out of the home in informal and often illegal arrangements, paying less than the minimum wage to neighborhood women

[109] U.S., Congress, Senate, Committee on the Budget, *Tax Expenditures: Relationships to Spending Programs and Background Material on Individual Provisions*, 95th Cong., 2d sess. (1978), p. 286.
[110] *Options for Federal Support*, p. 58.
[111] Ibid.
[112] U.S., Department of Labor, Bureau of Labor Statistics, *U.S. Working Woman: A Databook* (1977), p. 20, table 19.
[113] U.S., Department of Labor, "20 Facts on Women Workers," p. 2.
[114] Dorothy Burlage, "Divorced and Separated Mothers: Combining the Responsibilities of Breadwinning and Childrearing" (Ph.D. diss., Harvard University, 1978), p. 330.

who do not declare their income for social security. Data available on child care arrangements in the United States suggest that such informal care is quite common; in the case of children under 3, nonparental care is most likely to be at home, provided partly by relatives and partly by nonrelatives.[115]

The tax credit is not structured to offset child care costs for women in any of these situations.

[115] T.W. Rodes and J.C. Moore, *National Childcare Consumer Study, 1975* (Arlington, Va.: UNCO, Inc., 1975), vol. 3, pp. 2-3 (Table 2-2).

CHAPTER 4

Job Training and Employment Programs

The Federal Government has various programs to deal with unemployment. This chapter focuses on the Comprehensive Employment and Training Act (CETA) because it is the largest Government effort to provide training and jobs to unemployed individuals and on the Work Incentive Program (WIN) because it is the only program directed specifically to the job-related needs of welfare recipients.

Comprehensive Employment And Training Act (CETA)

CETA[1] is by far the largest of Federal programs designed to increase the employability of individuals who are disadvantaged in the labor market. In recent years, CETA has represented approximately 70 percent of all Federal expenditures for employment and training programs.[2] CETA expenditures in fiscal 1978 totaled nearly $10 billion,[3] with more than 3 million individuals participating.[4] CETA is unique among Federal educational and employment programs, not just because of its large enrollment and budgetary size but because many of its enrollees receive jobs and incomes directly from the government. Thus CETA can create jobs in the child care field and it can subsidize the care of children when participants are in other jobs.

CETA provides Federal block grants to more than 450 State and local governments to administer public service jobs and a variety of training programs for economically disadvantaged and unemployed individuals. In keeping with CETA's mandate to establish a decentralized and decategorized system of employment and training that is responsive to local needs, the vast majority of participants and resources are in the local programs; however, the act also continues categorical funding for national manpower programs such as Job Corps, other youth programs, and programs for special target populations administered by the Department of Labor (DOL).

In its initial phase, CETA had relatively unrestricted eligibility requirements. This was because Congress wished to permit States and localities some flexibility in selecting target populations, and because there was pressure to use CETA as a countercyclical measure during the height of the 1975–76 recession. The thrust of the 1976 and 1978 amendments, in response to criticism that localities took the best-qualified applicants for CETA positions, and in light of improving employment conditions, was to restrict eligibility to certain population groups.[5] Eligibility for the major training and public service employment (PSE) programs is now limited to individuals who have been unemployed for several weeks and whose family income is low (as defined

[1] 29 U.S.C.A. ——801–999 (1975 and Supp. 1979).

[2] U.S., Office of Management and Budget, *Budget of the United States Government, Fiscal Year 1979*, Special Analysis K (1978), p. 241, table K-11, as cited in Lorraine A. Underwood, *Women in Federal Employment Programs* (Washington, D.C.: Urban Institute, 1979), p. 4, table 1.

[3] U.S., Department of Labor, Employment and Training Administration, Office of Administration and Management, unpublished data (hereafter cited as DOL, Employment and Training Administration, unpublished data).

[4] Ibid.

[5] 29 U.S.C. —968 (1976), repealed; Pub. L. No. 94-444—5, 90 Stat. 1476, 1477-80 (1976); Pub. L. No. 95-524, —2, 92 Stat. 1909, 1912, 1939 —236 (1978), (codified at 29 U.S.C.A. —858 (Supp. 1979). For the congressional intent to focus on groups who faced structural barriers to employment, *see* S. Rep. No. 94-883, 94th Cong., 2nd sess., pp. 16-19, *reprinted in* [1976] U.S. Code Cong. and Ad. News 2808, 2812-14; S. Rep. No. 95-891, 95th Cong., 2nd sess., p. 7, *reprinted* in [1978] U.S. Code Cong. and Ad. News 4480, 4486.

by the Bureau of Labor Statistics lower living standard income) or to individuals whose families are receiving public assistance.[6]

CETA and Equal Opportunity for Women

In fiscal 1978 the percentage of all CETA participants who were women reached 45.5 percent.[7] This was the highest female enrollment for any year in the history of employment programs. However, since women make up more than half of the disadvantaged population that employment and training programs are designed to help, they are still underrepresented in CETA. A study for the National Commission on Manpower Policy shows that women were 56 percent of all the eligible population for locally operated CETA programs in 1977, but only 44 percent of all CETA enrollees.[8] The eligibility estimates in this study were based on Current Population Survey data on income and employment, and thus provide no information on actual application rates of women and men to CETA programs. A clearer picture of equal opportunity in CETA would emerge from a comparison of applicant and participant ratios. In 1981 the Department of Labor will begin collecting data on applicants as well as participants, and a more accurate understanding of possible sex bias should result.[9]

Women's participation in different types of employment programs varies widely. Patricia C. Sexton, professor of sociology, New York University, noted that in the pre-CETA period, women "appear to have been considerably underrepresented in the programs where per enrollee costs were highest and benefits, presumably, greatest."[10] Programs that place a premium on skill training tend to have the greatest effect on participants' future employment possibilities.[11] Under CETA, some recipients receive the immediate benefits of a job with attendant income rather than the more tenuous, deferred benefits associated with training and employability development. Recent data on CETA show that women are disproportionately underrepresented in both types of programs: on-the-job training programs that have the highest job placement rates, and public service employment that pays wages to participants and has the highest average person-year costs. In fiscal year 1978, for example, women were 51 percent of the participants in locally administered training and employability development programs, but 39 percent of public service participants;[12] 1976 data from a national sample of local programs revealed that women were 56 percent of classroom enrollees, but 26 percent of on-the-job trainees.[13]

There are several explanations for women's under- representation in CETA, particularly in the most effective and lucrative programs.

The Occupational Structure of CETA Jobs

On-the-job training and apprenticeship positions are highly concentrated in skilled, blue-collar occupations traditionally filled by men. The distribution of CETA public service jobs is also skewed toward the traditionally male areas of law enforcement, public works, transportation, and parks and recreation.[14] The relatively large proportion of traditionally male public service jobs in CETA constrains the number of women who enter the program because so few women are placed in nontraditional fields.[15] To a large extent, women's low participation rates in these programs are a reflection of the sexually-segregated occupational structure that exists in our economy. Therefore, a significant increase in women's opportunity for enrollment in these programs depends upon the success of broader efforts to overcome occupational segregation in the labor market as well as striving to increase the number of women in nontraditional CETA jobs. Another strategy may be to design programs that include more skilled jobs in traditionally female fields. In the past, jobs in female-intensive fields, such as education and health, have been less common in CETA

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[6] 44 Fed. Reg. 19,998 (1979) (to be codified at 20 C.F.R —675.4).

[7] DOL, Employment and Training Administration, unpublished data.

[8] William Barnes, "Target Groups," in National Commission on Manpower Policy, *CETA: An Analysis of the Issues*, special report No. 23 (Washington, D.C.: Government Printing Office, 1978).

[9] F. Ray Marshall, Secretary, U.S. Department of Labor, Letter to Louis Nunez, Staff Director, U.S. Commission on Civil Rights, Nov. 12, 1980, p. 2 (hereafter cited as Marshall Letter).

[10] U.S., Department of Labor, *Women and Work*, by Patricia Sexton (1978), p. 54 (hereafter cited as *Women and Work*).

[11] C. Perry, B. Anderson, R. Rowan, and H. Northrup, *The Impact of Government Manpower Programs* (Philadelphia: University of Pennsylvania Press, 1975), p. 76.

[12] DOL, Employment and Training Administration, unpublished data.

[13] William Mirengoff and Lester Rindler, *CETA: Manpower Programs Under Local Control* (Washington, D.C.: National Academy of Sciences, 1978), p. 208.

[14] Ibid., p. 166; William Mirengoff, Lester Rindler, Harry Greenspan, and Scott Seablom, *CETA: Assessment of Public Service Employment Programs* (Washington, D.C.: National Academy of Sciences, 1980), p. 147.

[15] Mirengoff, Rindler, Greenspan, and Seablom, *CETA: Assessment of Public Service Employment Programs*, pp. 146, 149.

even though they constitute the majority of jobs in State and local government employment.[16]

The Single Breadwinner Family

Since the early days of Federal training and jobs programs, male family heads and potential family heads have been particularly targeted for enrollment. The legislative histories of the Manpower Development and Training Act of 1962[17] and the Economic Opportunity Act of 1964[18] provide examples of how Congress treats the single breadwinner family. In 1977 Assistant Secretary of Labor Arnold Packer supported the one-per-family allocation of public service jobs:

> One can think of the traditional American family structure with two parents and children in which the family head goes out to work and makes enough of a living to keep the family together. The major thrust of any program ought to be to support this as the predominant situation for Americans. . . .The policy conclusion is to target the public service jobs on families and not on individuals.[19]

This erroneously assumes that most full-time jobs will support a family of four and that the one job should go to the male parent. It places a lower priority on women's employment than on men's even though the CETA legislation and regulations do not explicitly accord preferential treatment to men.

CETA Expenditures for Child Care

Although CETA regulations have always authorized expenditures for child care and other supportive services that enable individuals to take jobs, the percentage of CETA funds devoted to services has actually been relatively small. The percentage of national CETA resources spent for child care is unknown. However, in fiscal 1978, only about 16 percent of the expenditures in locally administered training and employability programs were used to provide services of all types, including outreach, program orientation, counseling, job referral and placement, health and legal services, transportation, and child care.[20] Moreover, less than 1 percent of the FY 78 expenditures in PSE programs were used to provide participants with services.[21]

Some innovative efforts with regard to child care have been made in both national and local CETA programs. At the national level, CETA paid for the custodial care of about 5,400 preschool children of migrant farmworkers in fiscal 1978.[22] In demonstration projects conducted jointly by the Job Corps and the Work Incentive Program in Atlanta and San Jose, two successful nonresidential training centers for women have been established. These programs provide onsite, developmental child care.[23] Some local CETA administrations do locate and purchase child care for participants.[24] Other localities have used CETA funds to train and employ child care workers.[25] However, all of these activities constitute exceptions to the norm.

CETA Provisions for Child Care

New CETA regulations issued in 1979 by the Department of Labor, pursuant to the 1978 CETA amendments, show a major effort to enforce the Federal goal of equal opportunity for women and an awareness that the devotion of resources to child care is an essential affirmative action measure in accomplishing that goal. Included in the new guidelines are the following provisions:

- The regulations prohibiting discrimination in CETA enrollments state, "No person shall be denied

[16] Mirengoff and Rindler, *CETA: Manpower Programs Under Local Control*, p. 166. There were also other explanations for the underrepresentation of women in PSE during 1978. According to Secretary of Labor Ray Marshall:

> In 1978 there was a strong Government initiative to increase the enrollment of Vietnam-era veterans in PSE jobs, and veterans are primarily male. Also, at that time PSE expansion was occurring through short-term community projects which, for a variety of reasons, may have been geared more toward males. Finally, prior to the October 1978 amendments [to the Comprehensive Employment and Training Act] there may have been some fiscal substitution occurring in local PSE programs. The 1978 PSE male/female ratio in part, then, may have reflected existing sex discrimination in local government employment rather than discrimination in new PSE jobs created. (Marshall Letter, p. 3).

[17] U.S., Congress, Senate, *Manpower Development and Training Act of 1962*, S. Rep. No. 651, 87th Cong., 2nd sess. (1961), *Reprinted in* [1962] U.S. Code Cong. & Ad. News 1502, 1503, 1512–13.

[18] U.S., Congress, House, *Economic Opportunity Act of 1964*, H. Rep. No. 1458, 88th Cong., 2nd sess. (1964), *reprinted in* [1964] U.S. Code Cong. and Ad. News 2900, 2930–31.

[19] Arnold Packer, memorandum to F. Ray Marshall, Secretary of Labor, March 1977, as quoted in *WIN*, "None of This is Anti-Feminist," Aug. 18, 1977.

[20] DOL, Employment and Training Administration, unpublished data.

[21] Ibid.

[22] Ruth Nadel, Women's Bureau, U.S. Department of Labor, telephone interview, Oct. 4, 1979.

[23] Mary Meyer, Employment and Training Administration, U.S. Department of Labor, telephone interview, Oct. 4, 1979.

[24] E.g., "Comprehensive Annual Plan for Fiscal Year 1980, Newton Area CETA" Michael Frandzel, Bruce Jordan, and Rachael Connelly. (Newton, Mass.; unpublished, 1979), pp. 29–31 (including tables) and 96–98 (including tables).

[25] U.S., Department of Labor, "Training for Child Care Work: Project Fresh Start" (1979).

training or employment in any program because of *artificial barriers to employment* " (emphasis added).[26] Artificial barriers are defined as sex, parental status, lack of child care, and the absence of part-time or alternative working schedules, among other items.[27] "A description of efforts and procedures to eliminate artifical barriers to employment and occupational advancement for CETA participants" must be included in the written CETA plans submitted to DOL by State and local sponsors.[28]

- Child care is specifically named as one of the supportive services for which CETA funds may be used.[29] Most former CETA participants who have obtained unsubsidized employment are able to retain CETA-funded child care for 30 days to help in the transition to self-support.[30]
- In designing programs, CETA sponsors "shall give special consideration to providing for alternative working arrangements such as flexible hours of work, work-sharing, and part-time jobs, particularly for older workers and *those with household obligations and including parents of young children* " (statutory reference omitted) (emphasis added).[31]
- The Public Service Employment (PSE) program is authorized to subsidize jobs in the child care field.[32]

Increased efforts to ensure that local CETA plans comply with Federal regulations may cause more localities to address child care issues. For example, the Massachusetts Department of Manpower Development has announced a program of "incentive grants" to encourage the use of CETA funds (in combination with other public or private resources) to stimulate potential sponsors to develop local child care services.[33] The new provisions also could offset partially the adverse effect that Federal priorities have on the aggregate participation level of women.

The prospective effect of these new regulations on women must be examined with due caution, since the implementation of fundamental changes in the level of child care support provided by CETA is beset with numerous potential difficulties. Some of these obstacles can be affected by the Labor Department whereas some must be resolved at the local level. Still others require the examination of legislated requirements and resources allocation in CETA.

The Federal regulations encourage sponsors to support child care, but the law's emphases on decentralized administration and decategorized funds make it unlikely that the Department of Labor will ever require localities to do so. The Department is attempting to sensitize CETA prime sponsors to the special needs of women by developing technical assistance and training guides, and by providing information to women's groups about how to deal with issues of concern in their communities.[34] Nevertheless, the actual decisions about whether or how to support child care with CETA funds are in the hands of hundreds of State and local governments across the country. It is not very difficult for localities to take advantage of the flexibility they are allowed and to go through the motions of compliance with Federal standards without providing child care support to participants.

Many CETA programs are carried out by institutions not prepared to handle the child care needs of their clients or employees. According to the law, State and locally appointed CETA administrators act as central coordinators for all organizations that cooperate in developing a comprehensive employment and training policy responsive to community needs.[35] Many CETA programs are actually planned and carried out by local offices of the U.S. Employment Service, State vocational education agencies, community-based organizations, and private industry.

The U.S. Employment Service, a prominent deliverer of CETA service in rural areas of many States, is a case in point.[36] Local offices are instructed to maintain a list of child care services available in the community along with other supportive services that might improve the employability of applicants.

[26] 20 C.F.R —676.52(e)(1) (1979).
[27] *Id.*, §675.4.
[28] *Id.*, §676.10-4(h)(3).
[29] *Id.*, §676.25-5(c)(2).
[30] 20 C.F.R. ——676.25-5(c)(2), (d) (1979); 44 Fed. Reg. 64,326, 64,344-45 (1979) (to be codified in 20 C.F.R. ——688.81-5(c)(2), (d)). The regulations for post-termination child care to participants, however, give a greater period of time for such care to migrants and other seasonally employed farmworkers. They may receive child care services for 60 days following their termination from the program and an extension of the 60 days upon approval by the Department of Labor on an individual case basis. 44 Fed. Reg. 30,594, 30,602-03 (1979) (to be codified in 20 C.F.R. —— 689.304(e)(2)(iii)(B), (e)(2)(iv)).
[31] 20 C.F.R. —675.6(e) (1979).
[32] *Id.*, §§676.25-3(a), 675.4.
[33] Mie Watanabe, Department of Manpower Development, Commonwealth of Massachusetts, memorandum to community-based organizations, Dec. 11, 1979.
[34] Marshall Letter, p. 2.
[35] 29 U.S.C.A. ——811(a), 819, 820 (Supp. 1979).
[36] U.S., Department of Labor, "Participation of Disadvantaged Groups in Employment and Training Programs (CETA) in New York and Pennsylvania," by Sharon L. Harlan, prepared for the Office of Research and Development, Employment and Training Administration (1979), pp. 211-12. See also, Ohio State University CETA Implementation Project, "Final Report: The Implementation of CETA in Ohio," principal investigator Randall B. Ripley (1976), pp. 98, 100-101; Mirengoff and Rindler, *CETA: Manpower Programs Under Local Control*, pp. 150-53.

However, States are not held accountable for providing such information to clients. Nor are States required to keep records on whether clients were referred to services or whether the clients took advantage of referrals that were made.[37] Proposed regulations would require States to provide information on child care and other supportive services, but for the present no such requirements exist.[38]

A strong Federal emphasis on placement of participants in unsubsidized employment as a criterion of program evaluation pressures program operators to select the most "employable" applicants. At present the most "employable" are viewed as those needing the fewest supportive services. Large numbers of women are probably "employable" in the sense of needing no training, no counseling, and no social services except for child care, but no data exist on the number of such women, since CETA has grouped child care needs with social services needs. **The block grant approach means that the more child care a CETA prime sponsor provides, the less money it has for jobs.** One response of CETA administrators has been to "hustle" child care services for clients from other community agencies that are already overburdened.[39] Since child care is expensive, CETA administrators have an understandable desire not to use funds that could be used for the central mission of training and jobs to provide this employment-enabling service.

Transitional child care support for 30 days after the client leaves the CETA rolls may be insufficient to ensure self-sufficiency. Experience with employment and training programs prior to CETA has taught administrators that when their former clients become ineligible for the program's child care subsidy, they must often leave their jobs because the cost of child care is too great for the parent.[40] Although there are no available data, a CETA client losing the child care subsidy is probably in a comparable situation. Moreover, after only 30 days on the job it is unlikely that anybody would be given a raise that would support the full cost of care.

Without better data on child care need and use, the Department of Labor will find it difficult to convince local CETA administrators that the regulations on child care are important. Data collected from State and local sponsors on the sex of participants are not cross-classified by age, race, income, or parental status. There are no estimates of how many participants need child care, let alone how many potential applicants are denied access to CETA because child care is unavailable. At this time there is no national profile on CETA funds spent for child care, on how many children are served, or whether opportunities for women are improved when child care is available. The unavailability of detailed data makes it extremely difficult to identify barriers to women's enrollment in CETA and problems they encounter after enrollment.

Work Incentive Program (WIN)

The Work Incentive Program (WIN) was established by Title II of the 1967 amendments to the Social Security Act[41] to provide training and employment opportunities for adult recipients of Aid to Families with Dependent Children (AFDC). In 1971 amendments to WIN[42] changed the emphasis of the program from training and employability development to prompt job referral of WIN registrants. The goal of WIN is to remove families from the public assistance rolls by helping family heads attain economic self-sufficiency.[43] With a fiscal year 1978 budget of $364 million, WIN represents only about 3 percent of total Federal expenditures on employment and training;[44] however, it is the only program devoted exclusively to job-related needs of welfare dependents.

WIN is administered jointly at the Federal level by the Employment and Training Administration in the Department of Labor and the Office of Human Development Services in the Department of Health and Human Services.[45] The designated WIN sponsor in each State (often the U.S. Employment Service) and the State welfare agency develop annual WIN plans for Federal approval and administer the Federal grants. The State agencies must secure 10

[37] Shirley Smith, Employment Service, U.S. Department of Labor, Division of Applicant Services, telephone interview, Oct. 11, 1979.
[38] 43 Fed. Reg. 49697 (to be codified at 20 C.F.R. —653.3) (1978).
[39] U.S., Department of Labor, *Supportive Services: CETA Program Models* (1978), p. 17 (hereafter cited as *Supportive Services*).
[40] Ibid., p. 6.
[41] Pub. L. No. 90-248, Title II, ——201-204, 81 Stat. 821, 884-892 (1967) (codified at 42 U.S.C. ——630-640 (1976)).
[42] Pub. L. No. 92-223, —3, 85 Stat. 802, 803-809 (1971) (codified at 42 U.S.C. ——602-603, 607, 630-36, 638-39, 641-44 (1976), as amended).
[43] 42 U.S.C. —630 (1976).
[44] U.S., Office of Management and Budget, *Budget of the United States Government, Fiscal Year 1979*, Special Analysis K (1978), p. 241, table K-11, as cited in Lorraine Underwood, *Women in Federal Employment Programs* (Washington, D.C.: The Urban Institute, 1979), p. 4, table 1.
[45] 42 U.S.C. —639 (1976); 45 C.F.R. —224.10 (1979).

percent of their total costs from non-Federal sources.[46]

All AFDC recipients between the ages of 16 and 65 are required to register for WIN to continue their eligibility for the AFDC grant, except for certain classes of recipients who are legally exempt from registration.[47] These include mothers of children under 6[48] and mothers in families where fathers are WIN registrants.[49] Various factors (including health, mental or emotional problems, lack of interest, lack of child care and other supportive services, and severe transportation difficulties) make a significant number of registrants either completely or marginally inappropriate for WIN participation. On the other hand, many employable individuals cannot be served due to limited program funds and the extent of poverty and unemployment. In an Urban Institute study, Lorraine Underwood writes, "WIN requires a million and a half persons per year to enter the labor force, but can only provide services to 22 percent of them, employment to 9 percent, and a training or PSE slot to 7 percent."[50]

Work Incentive Program sponsors are authorized to pay for supportive services that are necessary for participants to accept employment. Subsidized services are funded during WIN enrollment and may continue as long as 90 days after the participant leaves the program for an unsubsidized job.[51] According to the national WIN administration, child care is the most frequently needed supportive service.[52] About $35 million or nearly 10 percent of WIN's 1977 budget was used to pay for child care.[53] This is a much larger proportion of the budget than is devoted to child care by other Federal employment and education programs, but it represents only about 5 percent of the total Federal spending on child care programs in that year.[54] During a typical fiscal quarter, the care of approximately 82,000 children is paid for by WIN, and care for an undetermined additional number of participants' children is subsidized by Title XX.[55]

[46] 42 U.S.C. ——635, 643 (1976); 45 C.F.R. —224.16 (1979).
[47] 42 U.S.C. —602(a)(19)(A) (1976); 45 C.F.R. —224.20(a)-(6) (1979).
[48] 42 U.S.C. —602(a)(19)(A)(2) (1976); 45 C.F.R. —224.20(b)(8) (1979).
[49] 42 U.S.C. —602(a)(19)(A)(vi) (1976); 45 C.F.R. —224.20(b)(9) (1979).
[50] Underwood, *Women in Federal Employment Programs*, p. 16.
[51] 45 C.F.R. —224.30(b)(2).
[52] *WIN: 1968–1978*, p.7.
[53] The 1977 Expenditures for child care under WIN were $35,149,892. U.S., Department of Health, Education, and Welfare, Office of Human Development Services, Administration for Public Services, Administration for Children, Youth, and Families, *Social Services, U.S.A.: Statistical Tables, Summaries, and Analyses of Services Under Social Security Act, Title XX, IV-B, and IV-A/C for the 50 States and District of Columbia (1977)*, p. 30, figure 17. (hereafter cited as *Social Services, U.S.A.*)

WIN and Equal Opportunity for Women

During FY 78 women represented 90 percent of adult AFDC recipients and headed 80 percent of AFDC families.[56] Yet they were only 74 percent of WIN registrants and 66 percent of those who found employment through WIN.[57] Women were only 47 percent of those able to leave welfare in fiscal year 1976 as a result of finding a job.[58] By contrast, unemployed fathers represented less than 5 percent of the AFDC caseload and 8.5 percent of WIN registrants but they accounted for 16 percent of job placements.[59] Male registrants are more likely than their female counterparts to leave welfare as a result of finding a job.

The exemption of mothers with children under age six from required WIN registration may be one factor in women's lower rate of participation. There are at least four explanations for the greater likelihood of male WIN registrants to leave welfare. First, by congressional mandate, AFDC fathers received the highest priority of any WIN registrants for job placement in the 18 States that operated unemployed father programs prior to June 1979.[60] Second, men in the unemployed father program automatically lost AFDC eligibility if they worked 100 hours per month, while women generally did not lose eligibility for this reason.[61] Third, according to Secretary of Labor Ray Marshall, "women have a harder time leaving poverty simply because female-headed households tend to be far poorer than male-headed households."[62] Fourth, the male/female wage gap in the labor market is reflected in the average wage of women job entrants; it is 75 percent of what men initially earn.[63]

Forty-four percent of the WIN target population are black and other minorities, and 58 percent are individuals with less than a high school education;[64] characteristics that, added to the fact that most are women, reduce the likelihood of job placement through WIN. Various factors account for the lower

[54] Ibid.
[55] Ibid., p. 33.
[56] *WIN: 1968–1978*, p. 12.
[57] Ibid., p. 23.
[58] Underwood, *Women in Federal Employment Programs*, p. 16.
[59] *WIN: 1968–1978*, pp. 19–20.
[60] Social Security Act of 1935, ch. 531, tit. IV, §407, as amended by Act of Jan. 2, 1968, Pub. L. No. 90–248, §203(a), 81 Stat. 882. This gender-based distinction was declared unconstitutional by the U.S. Supreme Court in Califano v. Westcott (99 S. Ct. 2655 (1979)).
[61] 45 C.F.R. §233.100(a)(1) (1979).
[62] Marshall Letter, p. 3.
[63] *WIN: 1968–1978*, p. 23.
[64] Ibid., pp. 20, 24.

wages and restricted job opportunities of women in WIN:

Occupational segregation of male and female job entrants is a major cause of the lower wages and restricted opportunities of women in WIN. In 1973 the WIN annual report stated that the resistance of WIN job developers and employers to women entering nontraditional fields was one of the major barriers to enrolling women. Although efforts to reduce occupational segregation among WIN participants have been under way since 1974, nearly 60 percent of women job entrants in fiscal year 1978 were in clerical, sales, and service occupations. Men were more evenly distributed throughout the entire range of available jobs.[65] These occupational distributions reflect the segregation that exists in the labor market.

Federal regulations prohibit sex discrimination in WIN programs,[66] but the testimony of WIN job developers before the U.S. Commission on Civil Rights illustrates that WIN personnel interpret the regulations narrowly as applying only to the explicit gender classifications of jobs and that compliance efforts directed at reluctant employers are virtually nonexistent.[67]

By congressional mandate, Federal WIN regulations express a clear preference for the male-headed, single breader-winner family. First, exemptions from registration are granted disproportionately to women. For example, mothers, but not fathers, of children under age 6 are exempt from registration,[68] and a woman taking care of a child in a household where the father or other adult male is registered for WIN is exempt, but not vice versa;[69] if a woman with a child under the age of 6 wants to work, she is largely denied such opportunity. Second, even though WIN requires most mothers of young children (over age 6) to accept training and work assignments if they are available, men receive priority over women in assignment. Unemployed fathers must be appraised within 2 weeks and certified for participation in WIN training and employment activities within 30 days of receiving AFDC benefits; the appraisal of mothers who register for WIN, either voluntarily or because they are required to, is assigned a lower priority and no time limit for certification is specified.[70] In sum, mothers of children under 6 years old are not forced to accept WIN training or work, but if they want to work, there are no policies to help them more readily achieve that goal.[71]

The regulations governing child care support under WIN have an adverse effect on the enrollment of women: The individual shall not be referred to work or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services.[72]

Thus, regardless of the client's employability in other respects, if child care resources are unavailable, the parent is not assigned to a WIN program. Single mothers, who head 80 percent of AFDC families, are more likely than men to be excluded from WIN because of their inability to locate child care. A 1977 analysis of a national sample of WIN registrants identified the law on male preference and the unmet need for child care as the two primary reasons why women were more likely than men to remain in the unassigned registrant status.[73]

WIN Provisions for Child Care

After maternal exemptions from WIN registration are taken into account, child care needs impinge upon women's opportunities at three other stages of the WIN cycle. The first is assignment to a WIN program component; the second is the ability to successfully complete a WIN program; and the third is being able to obtain and keep an unsubsidized job upon leaving WIN. Available research (summarized below) indicates that insufficient child care resources impede the opportunities of women at each step.

The lack of child care prevents social workers from assigning women to WIN. Before 1972, when guidelines for the administraton of WIN changed, the lack of child care often prevented caseworkers from

[65] Ibid., P. 21.
[66] 45 C.F.R. —224.36(a) (1979).
[67] U.S., Commission on Civil Rights, *Women: Still in Poverty* (1979), pp. 15-16.
[68] 45 C.F.R. —224.20(b)(8) (1979).
[69] *Id.*, §224.20(b)(9).
[70] 20 C.F.R. ——224.22(b)-(c) (1979).
[71] The U.S. Supreme Court's opinion in *Califano v. Westcott* caused the Departments of Labor and Health and Human Services to revise the WIN regulations in order to eliminate gender distinctions in the treatment of parents in families who qualify for the AFDC Unemployed Parent Program. The new regulations had not been issued as of November 1980. However, during this time of transition, Department of Health and Human Services Action Transmittal SSA-AT-79-26 (OFA) of July 3, 1979, instructs States to implement the required changes pending the agencies' approval of the new regulations.
[72] 45 C.F.R. —224.34(a)7 (1979).
[73] P/RA Associates, "An Analysis of Unassigned Recipients/Registrants in the WIN Program," U.S. Department of Labor contract 51-36-76-03 (East Meadow, N.Y.: P/RA Research, Inc., 1978), p. XV.

referring clients to WIN. Of the caseworkers interviewed for a three-city study of the pre-1972 WIN program, 62 percent perceived child care problems as barriers to the employment of AFDC mothers among their clients. Two-thirds of the caseworkers also reported that child care availability was an important determinant in their referrals of most or all of their clients to WIN.[74] National statistics show that about 10 percent of AFDC recipients were not referred to WIN because of the lack of child care and that 6 percent of those referred were turned back for reasons of unavailable child care.[75]

Since 1972 Federal regulations have required that necessary supportive services be provided or arranged before an individual is referred for employment or training.[76] This means that in cases where the mother, the welfare office, and WIN have not made child care arrangements, no WIN assignment can be given the mother. The basis of this problem is not in the WIN regulation, but rather in the shortage of child care available and accessible to WIN participants. Testimony by WIN officials at hearings held by the U.S. Commission on Civil Rights in 1974 cited the lack of child care "as perhaps the major deterrent to full participation of women in the WIN program."[77] Researchers investigating the determinants for WIN assignment found that the effect of child care is predetermined:

> If a site no longer has child care slots available to it, no matter what characteristics a client may have, if they are in need of child care service, the lack of the service is absolute in determining assignability. Without service there is no attempt to place the client, or there is no attempt to employ the client.[78]

Inadequate child care prevents WIN enrollees from completing their training. The availability of satisfactory child care arrangements is also an important factor in determining who remains in WIN. A group of AFDC mothers who were referred to WIN in 1970 were interviewed by researchers before participation began and again about 9 months later. Of those who had entered WIN and then dropped out, 30 percent gave child care problems as the reason for their decision. Among mothers who were enrolled in WIN at the second interview, half said that they were having major problems which made it difficult for them to continue, and child care was cited more often than any other single problem.[79] Another study reported that one-quarter of the sample of WIN enrollees were encountering child care problems, and three-quarters of those said that nothing was being done about it.[80]

Audrey Smith and Dorothy Herberg, professors at the School of Social Service Administration, University of Chicago, identified various kinds of difficulties that WIN mothers experienced with child care arrangements. The uncertainties inherent in the WIN program (undetermined waiting time for referral, unknown schedule of activities, and uncertain length of enrollment) made it hard for mothers to plan child care arrangements in advance. Mothers were also concerned whether WIN or welfare would pay for the care and when payments could be expected. Although the majority of mothers chose to have their children cared for at home, and all studies show only a small minority of children enrolled in day care centers, the centers were more likely to meet the licensing requirements necessary for payment approval. Mothers' objections to center care were based on the inflexibility of hours of operation, the absence of provisions for ill children, and the inability of preschool centers to serve schoolage children. Mothers expressed reluctance to leave preadolescents alone after school.[81]

Smith concluded from her findings that the association between child care and WIN participation is complex. Indeed, the lack of a work history and job skills, so prevalent among low-income mothers, would militate against their employment regardless of the availability of supportive services. However, Smith writes:

> While child care is undoubtedly one of the most critical and pervasive factors involved in deter-

[74] Audrey D. Smith, "Child Care Arrangements of Mothers in the Work Incentive Program," "Child Care in the Work Incentive Program", Audrey D. Smith and Dorothy Herberg, perpared for the Office of Research and Development, Manpower Administration, Department of Labor (Chicago: School of Social Services Administration, University of Chicago, 1972), mimeographed, pp. 75 and 76.

[75] Jesse E. Gordon, "WIN Research: A Review of the Findings," in *The Work Incentive Experience*, ed. Charles D. Garvin, Audrey D. Smith, and William J. Reid (New York: Universe Books, 1978), p. 56.

[76] 45 C.F.R. —224.34(a)(7) (1979).

[77] Civil Rights Commission, *Women: Still in Poverty*, p. 15.

[78] P/RA Associates, "An Analysis of Unassigned Recipients/Registrants in the WIN Program," p. 99.

[79] Smith, "Child Care Arrangements of Mothers in the Work Incentive Program," pp. 76–77.

[80] Auerbach Assoc., *An Impact Evaluation of the Work Incentive Program*, U.S. Department of Labor contract 53-40-69-02, Sept. 15, 1972, as cited in Jesse Gordon, "WIN Research: A Review of the Findings," in *The Work Incentive Experience*, p. 56.

[81] Dorothy Herberg, "Child Care," in *The Work Incentive Experience*, p. 182.

mining a mother's participation in WIN, it too seems to act in conjunction with other factors in this regard. That is, in the presence of other unfavorable (possibly only marginally so) conditions, a problem with child care may tip the balance in the direction of precluding or terminating a mother's WIN career.[82]

Failure to guarantee child care after WIN training inhibits the transition to work. Even those women who have made satisfactory child care arrangements and who have successfully obtained a job through WIN are not guaranteed a smooth transition from welfare to work. They must still face the loss of WIN-subsidized child care from 30 to 90 days after their program participation ends.[83] To date, no empirical investigation has been made of the transition from WIN to work that addresses the issue of what happens to child care arrangements after women leave WIN. Nor is the effect of loss of child care benefits on women's continued employment known. The view of some Federal observers, however, is that the continuation of child care support is critical to women's success in the job market.[84] Some evidence exists that public child care support does help low-income mothers to obtain and keep employment. A 2-year study of the economic effect on families receiving Title XX child care assistance in Orlando, Florida, showed an increased incidence of employment, higher earnings, and the closing of a significant number of AFDC cases among women who had children enrolled in Title XX-funded child care programs.[85] These benefits increased the longer the time in which the family stayed in the child care arrangement.[86]

[82] Smith, "Child Care Arrangments of Mothers in the Work Incentive Program," p. 83.
[83] 45 C.F.R. —224.30(b)(2).
[84] Gordon Berlin, Operations Research, U.S. Department of Labor, telephone interview, January 1980.
[85] Djehane Hosni and Brenda Donnan, "An Economic Analysis of Child Care Support to Low-Income Mothers," prepared for Orange County, Osceola County and the City of Altamonte Springs, Florida (Orlando, Fla.: College of Business Administration, University of Central Florida, 1979), mimeographed, pp. 6–8.
[86] Ibid.

CHAPTER 5

Educational Programs

The Federal Government supports a wide range of educational programs and activities. Selected for review here are the major programs within each of the three levels of federally supported activity: basic and secondary education, vocational education, and higher education.

Adult Basic and Secondary Education

The Adult Education Act of 1966 as amended[1] provides Federal grants to States to expand adults' educational opportunities and encourages establishment of programs to:

> (1) enable all adults to acquire basic skills necessary to function in society, (2) enable adults who so desire to continue their education to at least the level of completion of secondary schools, and (3) to make available to adults the means to secure training that will enable them to become more employable, productive and responsible citizens.[2]

Participants can receive high school diplomas through the program.

In fiscal year 1980 approximately $180 million in State and Federal funds were spent on adult education under the act.[3] This included $100 million in Federal funds for State-administered programs[4] and another $5 million for special immigrant and Indochinese refugee programs.[5] The Office of Education estimated that the States would contribute another $75 million to adult basic and secondary education.[6] The most recently published data show that over 1.6 million persons were enrolled in programs during 1976, a 35 percent increase in enrollment from the previous year;[7] 35 percent of the 1976 participants were in secondary programs and the others were in basic education (grade levels 1 through 8).[8]

Program administration is by State educational agencies that distribute funds to public school systems and other local public or nonprofit private agencies to operate instructional programs.[9] States and localities assume responsibility for planning, curriculum development, teacher training, evaluation, and delivery of essential services, and States submit plans to the Federal Government for approval.[10]

Adult Education and Equal Opportunity for Women

In 1976, 55 percent of the enrollees in adult education programs were women.[11] This was consistent with previous years in which women also constituted a majority of participants.[12] Members of minority groups were 58.3 percent of total enrollment in 1976; women were 56 percent of black

[1] 20 U.S.C.A. —1201 (Supp. 1979).
[2] *Id.*
[3] Ned Bryan, Division of Adult Education, Office of Education, U.S. Department of Health, Education, and Welfare, telephone interview, Dec. 5, 1979 (hereafter cited as Bryan Interview).
[4] Ibid.
[5] Ibid.
[6] Ibid.
[7] U.S., Department of Health, Education, and Welfare, National Center for Education Statistics, *Adult Basic Education Program Statistics, Fiscal Year 1976*, by Sylvester H. Cain and Barbara A. Whalen (Washington, D.C.: Government Printing Office, 1979) (hereafter referred to as *Adult Basic and Secondary Education Program Statistics*), p. 5.
[8] Ibid., p. 10.
[9] 20 U.S.C.A. —1203(a) (Supp. 1979).
[10] *Id.*, §1205; *Adult Basic and Secondary Education Program Statistics*, p. 2.
[11] *Adult Basic and Secondary Education Program Statistics*, pp. 5, 15, table 1.
[12] Ibid., p. 15, table 1.

participants and 54 percent of nonminority participants.[13]

Beyond the enrollment statistics, data on program characteristics are limited and data by sex are not available. Consequently, it is difficult to determine whether women and men study the same things, receive equal per pupil expenditures, complete the programs at the same rate, or benefit equally from educational experiences offered by the program.

Some information suggests, however, that child care problems are restricting the participation of women in adult education. First, although women are a majority of all participants, they are a smaller proportion of younger (16–34 years old) enrollees than of older ones.[14] Second, many participants have said that they left the program before completion because of the unavailability of child care. Data from the National Center for Education Statistics show that during 1976 some 22,957 individuals withdrew before finishing the program, citing the unavailability of child care as the chief reason.[15]

Adult Education Provisions for Child Care

Expenditures for child care under the Adult Education Act were authorized for the first time in proposed regulations[16] issued pursuant to Title XIII of the Education Amendments of 1978.[17] The authorization for child care expenditures followed a congressional decision to make the main thrust of the 1978 amendments an increase in activities to inform the hardest to reach segments of the adult population and to assist them in enrollment by providing convenient access and supportive services.[18] Consequently, the regulations proposed by the Office of Education required that:

> In conjunction with these outreach activities, a State educational agency shall describe the efforts it will undertake to provide support services during the period covered by the plan. Support services include flexible schedules, transportation, and *child care services.* A State educational agency shall identify the resources to be used for these support services. *A concerted effort shall be undertaken to provide these services through other programs, agencies and organizations.* (emphasis added)[19]

Thus, State and local administrators are not limited to funding services from their own budgets, but are encouraged to help participants locate services like child care from other sources.

Some States proposed methods for providing child care in their fiscal 1980 plans. For example, Massachusetts decided that each local school system will assess the needs of its target population for child care and transportation. If in the opinion of local school officials, participants need care for their children, then the school is authorized to provide a babysitter during classes either at the class site or at home. However, the State has stipulated that parents cannot be reimbursed for child care arrangements they make on their own.[20]

According to Ned Bryan of the U.S. Office of Education, in several regional hearings on the proposed regulations held by the Office of Education during 1979, administrators acknowledged from their own experiences that without some form of child care support either from their programs or from another agency, many mothers find it impossible to attend adult education classes.[21] However, the administrators are aware that child care is a very expensive service and that to devote substantial sums to support services could seriously detract from their ability to provide educational programs.[22]

Both Federal and State officials are committed to avoiding a substantial diversion of their funds, and the Commissioner "does not propose to divert substantial resources away from the support of instruction. . . ."[23] This cautious approach to providing child care is likely to result in two kinds of solutions. First, program administrators will probably begin to press available community child care resources, putting an even more severe stress on an already short supply.[24] Second, administrators may limit the kinds of child care they will provide,

[13] Ibid., p. 19, table 4.
[14] Ibid., p. 19, table 4.
[15] Ibid., pp. 30, 31.
[16] 44 Fed. Reg. 37,880 (1979) (to be codified in 45 C.F.R. —166.241(d)).
[17] 20 U.S.C.A. ——1201–1211c (Supp. 1979).
[18] H. Rep No. 95–1137, 95th Cong., 2d Sess., p. 128 (1978), *reprinted in* [1978] U.S. Code Cong. and Admin. News 4971, 5098.
[19] 44 Fed. Reg. 37,874–75 (1979) (to be codified in 45 C.F.R. — 166.13(g)(2)).
[20] Arthur Murray, Adult Services Bureau, Office of Curriculum and Instruction, Massachusetts Department of Education, telephone interview, Oct. 10, 1979 (hereafter cited as Murray Interview).
[21] Bryan Interview.
[22] Ibid.
[23] 44 Fed. Reg. 37,870 (1979).
[24] A somewhat analagous situation is described in U.S., Department of Health, Education, and Welfare, "Services to AFDC Families" (July 1970), in U.S., Department of Labor and Department of Health, Education, and Welfare, *Reports on the Work Incentive Program,* printed for the use of the Senate Committee on Finance, 91st Cong., 2d. Sess. (1970), pp. 113–114, 180, table 10 (AFDC recipients not referred to WIN due to lack of child care).

making available only the least expensive options (as Massachusetts has already done).[25]

The degree of success in providing child care services to participants in adult education programs will not be known for some time. However, there are at least four potential problems in realizing the goals that the Federal Government has established:

(1) To date, very little information is available on women enrollees. A new data collection effort is needed, both to determine the relative ability of men and women to enter and complete adult education programs, and to ascertain whether the provision of child care services increases such opportunities for parents.

(2) Although the Federal Government authorizes the provision of child care, States retain the "discretion to perform outreach activities in a manner that most effectively meets the needs of those adults in the State who are least educated and most in need."[26] As in all decentralized programs, the regulations necessarily give leeway to State and local preference. However, this leaves open the question of whether the Federal intent will be carried out by all States, or whether some participants will be denied access to services based on where they live.

(3) Administrators' realistic concern over the diversion of scarce program resources to supportive services may also turn out to frustrate efforts at providing child care services. Federal funding for State-administered adult education programs increased $9.25 million between fiscal 1979 and 1980,[27] but child care will be forced to compete with many other support services and outreach activities for those "extra" funds.

(4) It is highly unlikely that the budget for a program in which child care is not the primary goal will be increased enough to meet the costs. Therefore, administrators will necessarily look to other sources of child care support, and, as noted in chapter 3, they will find an inadequate level of funding and spaces in the child care programs as well.

[25] Murray Interview.
[26] 44 Fed. Reg. 37,870 (1979).
[27] Bryan Interview.
[28] 20 U.S.C. —2301 (1976).
[29] 45 C.F.R. —104.512 (1979).
[30] *Id.*
[31] 20 U.S.C. ——2306-2309 (1976).
[32] U.S., Department of Health, Education, and Welfare, Bureau of Occupational and Adult Education, Division of Vocational and Technical Education, Office of Education, "Summary Data. Vocational Education, Program Year 1978" (mimeographed, 1978) (hereafter cited as HEW, "Summary Data"), p. 17.
[33] Ibid., p. 22.
[34] Ibid., p. 22.
[35] Ibid., p. 17.
[36] Ibid.

Vocational Education

The Vocational Education Act of 1963 as amended[28] provides Federal grants to States for job-related and technical training "designed. . .to prepare individuals for employment in a specific occupation or a cluster of closely related occupations."[29] Various activities are included in vocational education: classroom instruction in basic skills, remedial programs, advanced technical courses for upgrading skills in preparation for job advancement, registered apprenticeship programs, work-study programs for students, and cooperative on-the-job training programs with public or private employers.[30] Although public or private local organizations administer instruction programs, the States distribute funds and coordinate statewide plans that are submitted to the Federal Government for approval.[31]

Vocational education has been growing rapidly. Enrollment has increased 44 percent since 1972,[32] and expenditures have more than doubled during that time.[33] In fiscal year 1978 total expenditures on vocational education were $5.576 billion ($500 million in Federal funds and the remainder from State and local governments).[34] During the same year there were 16.7 million enrollees in vocational education programs.[35] The majority (10.2 million) were in secondary (high school) education programs; 2 million were in postsecondary programs such as community colleges, technical institutes, and area vocational-technical schools; and 4.4 million were enrolled in adult education courses such as basic education, high school equivalency, and various short-term programs.[36]

Vocational Education and Equal Opportunity for Women

The Vocational Education Act was extensively revised by the Education Amendments of 1976 in order, among other reasons, to deal with the issue of equal opportunity for girls and women. The major purpose of the amendments' provisions concerning sex discrimination was "to furnish equal educational

opportunity in vocational education to persons of both sexes."[37] The amendments were needed because, despite the prohibition against sex discrimination in vocational education by Title IX of the Education Amendments of 1972,[38] vocational education schools were still limiting and indeed encouraging girls and women into traditionally female work—either unpaid work in the home or low-paying jobs with restrictive opportunities in the labor market.[39]

In 1972, 56 percent of all vocational education enrollees were female,[40] but that overall figure masked a great imbalance between male and female enrollments within vocational areas. Women and girls were concentrated in far fewer occupational programs than male enrollees.[41] Half (49 percent) of all women enrolled in vocational education were in home economics. Furthermore, more than 90 percent of those were in consumer home economics which does not train for gainful employment.[42] In "traditionally female" fields such as health and office work, 85 percent and 76 percent, respectively, of the enrollees were women. Men were 95 percent of the agricultural trainees, 90 percent of those in technical programs, and 88 percent of enrollees in trade and industrial programs.[43] The traditionally women's fields had much lower per pupil expenditures and about half the average entry wage of the traditionally male fields.[44]

In 1970 women were also disproportionately represented in the secondary programs (two-thirds of the enrollees were female) and underrepresented in postsecondary programs and adult programs where they were 40 and 46 percent of the enrollees, respectively.[45] This enrollment pattern indicates that women were not undertaking advanced training in preparation for better jobs as often as men. It may also indicate that young women beyond high school age were more often prevented from participating because of family and child care responsibilities.

Researchers familiar with the problems of women in vocational education have said that the unavailability of child care is a crucial barrier to their participation in postsecondary programs. Sociologist Pamela Roby noted that "the absence of adequate child care facilities makes it difficult for women to enroll in any advanced education offering, and even more difficult for those women with limited finances."[46] In testimony submitted to the House of Representatives at its hearings on the 1976 amendments, Marilyn Steele argued that vocational education must provide child care services to increase the participation of women and to allow them to complete their job training.[47] Single mothers with young children whose only alternative to long term welfare dependency is the development of job skills would particularly benefit from child care support.

The problem of child care, however, is not limited to participation in postsecondary education but also reaches down to girls in secondary programs. Most high schools, including those with vocational programs, do not permit the attendance of pregnant teenagers.[48] Child care facilities that could help teenage mothers to complete their education are severely lacking.[49] According to Dr. Steele, the real problem "occurs 3 months after the baby is born when auntie or grandma or older sister gets tired of taking care of the baby and the girl has to drop out of school because there is no one to take care of her child."[50]

Vocational Education Provisions for Child Care

As one of many revisions aimed at creating greater sex equity in vocational education programs, the 1976 amendments to the Vocational Education Act included provisions for child care.[51] For the first time, States were authorized to spend vocational education funds to provide child care for "infants, preschool and schoolage children in order to afford students who are parents the opportunity to participate in vocational education programs."[52]

The recency of the legislative changes makes it difficult to assess their effect on women's opportuni-

[37] S. Rep. No. 94-882, 94th Cong., 2d. Sess., p. 57 (1976), *reprinted in* [1976] U.S. Code Cong. and Admin. News 4713, 4769 (1976).
[38] 20 U.S.C. —1681 (1976).
[39] Marilyn Steele, statement, *Sex Discrimination and Sex Stereotyping in Vocational Education: Hearings Before the Subcomm. on Elementary, Secondary, and Vocational Education of the House Comm. on Education and Labor*, 94th Cong., 1st sess. (1975)(hereafter cited as *Sex Discrimination and Sex Stereotyping*), pp. 22-23.
[40] Ibid., p. 285 (appendix, "Women in Vocational Education," by Marilyn Steele).
[41] Ibid., p. 15.
[42] Ibid., p. 16.
[43] Ibid. p. 287, table 9.
[44] Ibid., pp. 307-8, table 19; 336, table 25.
[45] Ibid., p. 286, table 8.
[46] Pamela Roby, "Vocational Education," in *Women in the U.S. Labor Force*, ed. Anne Foote Cahn (New York: Praeger, 1979), p. 214.
[47] *Sex Discrimination and Sex Stereotyping*, p. 356.
[48] Pamela Roby, "Vocational Education," in *Women in the U.S. Labor Force*, p. 214, n. 40; *Sex Discrimination and Sex Stereotyping*, pp. 355-56.
[49] *Sex Discrimination and Sex Stereotyping*, pp. 355-56.
[50] Ibid., p. 13.
[51] 20 U.S.C. —2330(b)(1)(k)(1976).
[52] 45 C.F.R. —104.612 (1979).

ties in vocational education. Enrollment figures for fiscal year 1978, however, do not show fundamental shifts in women's participation patterns even though some changes are noticeable. The enrollment of girls and women has fallen from 56 percent of the total in 1972 to 50 percent in 1978, but only 39 percent of the females in 1978 were enrolled in nonoccupational home economics as opposed to 49 percent 6 years earlier.[53] Other traditionally female fields remain nearly the same in sex balance, but the percentage of women in the traditionally male fields has increased from 3 to 12 percent.[54]

Federal administrators have very little information about what has actually happened regarding child care in the State programs.[55] The amount of vocational education funds spent on child care services nationally has been small; only $805,160 of the total $5.576 billion budget was used for that purpose in program year 1978.[56] Child care services were one of the smallest expenditure items at the national level, and most States spent nothing at all on them.[57]

Several factors account for the small amount of vocational education funds spent for child care. Together they point out formidable difficulties in attempting to provide enrollees with child care, and they indicate that the Federal Government has not adequately solved the problem with amendments such as those made in 1976 to the Vocational Education Act and in 1978 to the Adult Education Act. They include the following:

The Federal Government has not collected followup data on State programs to find out the extent of the child care problem and to determine whether child care services attract and retain female enrollees.

The Federal authorization does not require States to provide child care but allows the States to exercise discretion in deciding whether child care services are needed.[58] This is consistent with the decentralized nature of vocational education programs, but it enables States to frustrate the Federal goal.

Child care was authorized as one of the many measures to eliminate sex discrimination in the vocational education system, and it had to compete for funds with all the other new supportive services. Although vocational education expenditures increased by just over $600 million (12 percent) between 1977 and 1978,[59] States were also authorized to spend funds on other services and on outreach activities for displaced homemakers, single family heads, and the economically disadvantaged.[60]

Some vocational education administrators apparently believe that there are other sufficient sources of child care support available to enrollees. The Massachusetts Division of Occupational Education, for example, spends no vocational education funds on child care services; administrators are trying to solve the problem by printing a brochure that lists available day care programs throughout the State.[61] This effort may help some vocational education students become aware of child care possibilities; however, according to the Cambridge, Massachusetts, Child Care Resource Center, which specializes in helping parents locate child care, it ignores the apparent shortage of publicly subsidized child care in Massachusetts.[62]

The resistance to funding child care services with vocational education resources is motivated in large part by the desire to avoid a diversion of funds away from educational programs.[63] Understandably, optional support services receive a lower priority from administrators than principal program components that are the primary goals and standards by which the success of the programs are evaluated.[64]

Higher Education (Pell Grants)

Title IV[65] of the Higher Education Act of 1965 as amended[66] authorizes several types of student financial assistance for postsecondary education, including the supplemental educational opportunity grants, college work-study, national student loans, guaran-

[53] Compare HEW, " *Summary Data,* " p. 1, (1978 figures) with *Sex Discrimination and Sex Stereotyping,* pp. 285 and 287, table 9 (1972 figures) (appendix, "Women in Vocational Education," by Marilyn Steele).
[54] HEW, "Summary Data," p. 1.
[55] Barbara A. Bitters, Special Advisor on Women's Issues, Bureau of Occupational and Adult Education, U.S. Department of Health, Education, and Welfare, telephone interview, Nov. 7, 1979.
[56] HEW, "Summary Data," p. 16.
[57] Ibid.
[58] 20 U.S.C. —2330 (1976).
[59] HEW, "Summary Data," p. 22.
[60] 20 U.S.C. —2330 (1976).
[61] Lynn Hagan, Division of Occupational Education, Massachusetts Department of Education, telephone interview, Nov. 29, 1979.
[62] Ethel McConaghy, director, Child Care Resources Center, Cambridge, Mass., telephone interview, Apr. 21, 1980.
[63] Gail Smith, Bureau of Occupational and Adult Education, Office of Education, U.S. Department of Health, Education, and Welfare, telephone interview, Nov. 29, 1979.
[64] A roughly analagous situation exists with respect to CETA, in which evaluative criteria do not encourage the use of funds for child care. 20 C.F.R. ——658.600–658.605 (1979). See also chapter 4 of this report.
[65] 20 U.S.C. —1070 (1976).
[66] *Id.*, §1001 and Pub. L. No. 96–314, 94 Stat. 1367 (1980).

teed student loans, and Pell grants (formerly basic educational opportunity grants). Under the basic grants program established by the Education Amendments of 1972, all financially needy students can receive nondiscretionary awards between $200 and $1,900 for the 1981–82 school year, up to $2,600 for 1985–86, from the Department of Education.[67] This entitlement feature makes the Pell grants program unique among Federal aid programs. In the 1979–80 program year $2.5 billion in basic grants (ranging from $200 to $1,800) were awarded to 2.7 million students.[68]

Eligibility for the Pell grants program requires students to be enrolled at least halftime as undergraduates in institutions of higher education or in other permissible programs.[69] The amount of individual awards depends greatly on the student's cost of attendance and the family's expected contribution towards that cost.[70] At full funding of this program, awards are calculated according to a sliding scale which allows for probable higher attendance costs through the 1985–86 school year.[71] In the academic year 1981–82, awards are the lesser of: (a) the difference between $1,900 and the expected family contribution, (b) 50 percent of the cost of attending a given school, or (c) the difference between the cost of attendance and expected family contribution.[72] A student's cost of attendance includes tuition and fees, room and board, and books, supplies, and miscellaneous expenses.[73] The family's expected contribution toward the cost of the student's education is based on a formula that primarily considers the family income and assets adjusted for family size and number of students in the family enrolled in postsecondary education.[74]

Pell Grants and Equal Opportunity for Women

Data on the percentage of Pell grant recipients who are female are nonexistent. An attempt by the National Advisory Council on Women's Educational Programs to examine the extent to which women receive Federal financial assistance for education was "seriously limited" because of the unavailibility of such data on many Federal programs.[75] The Council noted that the lack of data by sex, age, and ethnicity allows the perpetuation of any practices that limit the access of women to advanced education.[76]

Provisions for Child Care

Both the eligibility criteria and the financial aid formula of the Pell grants program make inadequate allowances for child care expenses of students; in so doing, they may be denying women equal access to the grants and to higher education.

Eligibility for Pell grants requires students to be enrolled halftime or more.[77] However, statistics on educational enrollment indicate that women are a much higher percentage of part-time students than men, that an increasing number of women entering college are older than the typical college student, and that the recent growth in the number of part-time students over 35 has been predominantly women.[78] This distinctly female pattern of participation in higher education suggests that women interrupt and postpone their education to care for children, and it represents an obvious adaptation of women to the timing of their family responsibilities.[79] Despite the evidence that the growth in women's college attendance is in part-time enrollment and enrollment of women returning to school in midlife, Federal assistance remains geared toward the traditionally young, full-time college student.

The financial aid formula used to determine the amount of Pell grant awards is, despite recent changes, still restrictive for mothers with young children. Individual award amounts are based on both student's cost of attendance and the family's expected contribution. While the Education Amendments of 1980 reauthorizing the Higher Education Act of 1965 allow, for the first time, a reasonable

[67] *Id.*, §1070a (1976).
[68] Rosemary Beavers, Division of Training and Dissemination, Bureau of Student Financial Assistance, Office of Education, U.S. Department of Health, Education, and Welfare, telephone interview, Nov. 29, 1979.
[69] 20 U.S.C. —1070a(a)(2)(A)(ii) (1976) and 45 C.F.R. §190.4(a(2) (1979). The regulations pertaining to the Pell grant program which are currently contained in 45 C.F.R. Part 190 will be transferred to 34 C.F.R. Part 690 in 1981.
[70] 20 U.S.C. —1070a (a)(2)(B)(ii) (1976).
[71] 45 Fed. Reg. 86399 (1980) (to be codified in 34 C.F.R. §690.22).
[72] *Id.*
[73] 45 C.F.R., §190.51 (1979).
[74] *Id.*, §§190.31–46.
[75] National Advisory Council on Women's Educational Programs, letter to Representative William D. Ford, Chairman, Subcommittee on Postsecondary Education, U.S. House of Representatives, July 11, 1979 (hereafter cited as NACWEP Letter).
[76] Ibid.
[77] 20 U.S.C. —1070a (a)(2)(A)(ii) (1976) & 45 C.F.R. §190.4(a)(2) (1979).
[78] NACWEP Letter.
[79] Pamela Daniels and Kathy Weingarten, *Sooner or Later: The Timing of Parenthood in Adult Lives* (New York: W.W. Norton, forthcoming).

cost for child care to be included in the cost of attendance,[80] they do not permit child care costs to be included in computing the family's expected contribution.[81]

In calculating the expected family contribution, Federal regulations allow families to "offset" certain expenses from their income in determining their "discretionary income." Student applicants with dependent children are expected to contribute 25 percent of that discretionary income toward their own educational expenses.[82] Although allowable offsets include educational expenses for dependent children enrolled in postsecondary education, or for tuition paid for children in elementary or secondary schools, child care expenses are not allowed.[83] Thus, a family could elect to send a child to a private elementary school and offset the tuition expenses from their discretionary income, but a family with a preschool child in a day care center could not offset those expenses from their discretionary income.

[80] Pub. L. No. 96-374 §482(d)(6), 94 Stat. 1447 (1980).
[81] *Id.*, §(b)(2), 94 Stat. 1445.
[82] 45 Fed. Reg. 29992(1980)(to be codified in 34 C.F.R. §690.44).

The only families for which child care expenses can be taken into account under the basic grants program are families who qualify for the "employment expense offset." A maximum of $1,500 may be offset from the family's expected contribution for employment expenses *if* both the student applicant and spouse are employed, or *if* the student qualifies as a single head of household.[84] Thus, families who meet either of these conditions can partially adjust the expected family contribution to educational expenses by deducting child care as an employment expense. These conditional offsets, however, penalize families with a parent who is not in paid employment. For example, a family in which the mother had been home raising children and then decided to return to school could not take the employment expense offset. This family's expected family contribution to the mother's educational expenses would not take into account that the family will now have to pay for child care after she enrolls in school.

[83] 45 C.F.R. §190.41 (1979).
[84] *Id.*, §190.44.

CHAPTER 6

Federal Equal Opportunity Law and Federal Employment

As previous sections of this report have shown, equal opportunity for women may be significantly affected by the structure and eligibility requirements of Federal child care programs and policies (chapter 3) and by the child care provisions that the Federal Government makes, or fails to make, in its employment, training, and education programs (chapters 4 and 5). In addition, equal opportunity for women may be affected by the extent to which—and ways in which—the Federal Government recognizes child care as a distinct work-related problem when it establishes equal opportunity policy and when it acts as an employer.

Current equal opportunity law addresses the issue of women's responsibility for children in two specific and limited ways. First, in prohibiting discrimination on the basis of pregnancy, the 1978 amendments to Title VII[1] of the Civil Rights Act of 1964[2] allow women to take medically necessary leave related to childbirth. The amendment applies only to pregnancy, childbirth, and related medical conditions and does not address the issue of nonmedical leave for care of infants or older children. The Equal Employment Opportunity Commission (EEOC) comments issued in conjunction with its guidelines for the amendment also state that Title VII requires that parents in some situations be allowed to take nonmedical leave for child care.[3] Second, in its 1971 affirmative action guidelines for Federal contractors (as part of Revised Order No. 4) the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) suggests that child care needs be taken into account by employers.[4]

This chapter examines both of these measures and also examines efforts made by the Federal Government, in its role as an employer, to institute more flexible working schedules for its employees. Two 1978 laws, the Federal Employees Flexible and Compressed Work Schedules Act[5] and the Federal Employees Part-Time Career Act,[6] may make it more feasible for certain Federal employees to remain in the work force in a reduced or flexible way during the childrearing years. Under existing equal opportunity legislation, provisions for more flexible work arrangements might be extended to more Federal employees.

Parental Leave

Until Title VII of the Civil Rights Act of 1964 was amended in 1978,[7] Federal equal opportunity legislation did not specifically recognize women's childbearing or childrearing role as a systematic barrier to equality between the sexes in either education or employment opportunity. With its 1978 amendment to Title VII, Congress defined discrimination on the basis of pregnancy as a type of sex discrimination prohibited by Federal laws. Reacting

[1] 42 U.S.C.A. §2000e(k) (Supp. 1974–1979).
[2] *Id.*, §2000e (1976).
[3] 29 C.F.R. §1604 Appendix (1979).
[4] 41 C.F.R. §60-2.24(h) (1979).
[5] 5 U.S.C.A. §6101 (Supp. 1979).
[6] 5 U.S.C.A. §§3401–3408 (Supp. 1979).
[7] 42 U.S.C.A. §2000e(k) (Supp. 1974–1979).

in part to the decision of the United States Supreme Court in *General Electric Co. v. Gilbert* [8] that the employer had the right to exclude from its disability plan pregnancy-related disabilities, Congress clarified the definition of sex discrimination in Title VII "to reflect the commonsense view [of the EEOC guidelines] and to ensure that working women are protected against all forms of employment discrimination based on sex."[9]

Revised Title VII guidelines issued by the Equal Employment Opportunity Commission in April 1979 say, in effect, that as long as a pregnant woman is healthy she must be treated like all other employees.[10] She must be afforded all employment opportunities, including the right to remain on the job, training, work assignment, transfers, promotions, and fringe benefits.[11] When she becomes medically disabled, she is entitled to all benefits that any other disabled employee receives, such as sick pay, leave, and health insurance.[12] Finally, if an employer's leave policy causes disproportionate numbers of women to lose their jobs because it does not adequately accommodate medical conditions caused by pregnancy, that policy is in violation of Title VII unless the employer can justify it as a business necessity.[13]

The sex discrimination guidelines for Federal contractors issued by the OFCCP, pursuant to Executive Orders 11246[14] and 11375,[15] and the guidelines issued by the Department of Health, Education, and Welfare for Title IX of the Educational Amendments[16] provide essentially similar regulations concerning the medical conditions entailed in pregnancy and childbirth. First, Federal contractors covered by the Executive order and educational institutions covered by Title IX may not exclude women from work or school or discriminate against them in any way because of pregnancy.[17] Second, benefit policies that apply to medical disabilities must also be applied to pregnancy.[18] Third, contractors and educational institutions must consider pregnancy as a justification for leave of absence even though a leave policy for employees or students may not exist.[19] Following the medically necessary leave, women must be reinstated in the same or similar status that they previously held.[20]

Although Federal law now entitles women to full and equal benefit coverage for medical conditions caused by pregnancy, and protects their jobs and accrued seniority during medically necessary leave for childbirth, its overall effect on women's employment opportunities is limited.

The 1978 prohibition of pregnancy discrimination does not pertain to *nonmedical* leave related to childbirth, i.e., with the desire of many women to stay home with infants or young children because they feel that nursing or parental care is necessary to the child's well-being or because they cannot find acceptable arrangements for child care.

The issue of nonmedical leave of absence for child care is raised in the section entitled "Questions and Answers on the Pregnancy Discrimination Act,"[21] which the EEOC has attached as an appendix to its revised sex discrimination guidelines. Question 18(A) asks:

> Must an employer grant leave to a female employee for childcare purposes after she is medically able to return to work following leave necessitated by pregnancy, childbirth or related medical conditions?

The EEOC replies:

> While leave for childcare purposes is not covered by the Pregnancy Discrimination Act, ordinary Title VII principles would require that leave for child care purposes be granted on the same basis as leave which is granted to employees for other nonmedical reasons. For example, if an employer allows its employees to take leave without pay or accrued annual leave for travel or education which is not job related, the same type of leave must be granted to those who wish to remain on leave for infant care, even though they are medically able to return to work.[22]

These questions and answers suggest that Title VII principles require an employer who grants leave

[8] General Electric Co. v. Gilbert, 429 U.S. 125 (1976).
[9] U.S., Congress, House of Representatives, *Civil Rights Act of 1964–Pregnancy Discrimination*, H. Rep. No. 95–948, 95th Cong., 2nd sess., p. 3, *reprinted in* [1978] U.S. Code Cong. and Admin. News 4751.
[10] 29 C.F.R. §1604 (1979).
[11] *Id.*, §1604.10.
[12] *Id.*, §1604.10(b).
[13] *Id.*, §1604.10(c).
[14] 3 C.F.R. 339 (1964–1965 Comp.).
[15] 3 C.F.R. 684 (1966–1970 Comp.), as amended by Exec. Order No. 12086, 43 Fed. Reg. 46501 (1978).
[16] 41 C.F.R. Part 60–20 (1979) and 45 C.F.R. Part 86.
[17] 41 C.F.R. §60–20.3g(1) (1979); 45 C.F.R. §86.21(c)(2)(3) (1979).
[18] 41 C.F.R. §60–20.3(c) (1979); 45 C.F.R. §86.57(b)(c) (1979).
[19] 41 C.F.R. §60–20.3(g)(2) (1979); 45 C.F.R. §86.57(d) (1979).
[20] *Id.*
[21] 29 C.F.R. §1604–Appendix (1979).
[22] *Id.*

for nonmedical purposes such as travel or study also to provide nonmedical leave for child care.

The EEOC's interpretation of Title VII principles applying to nonmedical child care leave warrants clarification because the child care issue is so crucial in achieving equal opportunity for women. The EEOC has not issued a formal regulation that embodies the position on child care leave taken by the agency in its response quoted above. The extension of Title VII sex discrimination guidelines[23] specifically to address nonmedical leave for child care could underscore the EEOC's intention of enforcing this position. Failure of the EEOC to clarify its position makes it difficult for women to claim nonmedical leave for child care.

Consider, for example, the case of Marcia Hams, a lathe operator for a large industrial firm in Massachusetts.[24] After taking the 6-weeks postdelivery disability leave allowed by the company, Ms. Hams requested a 6-month leave of absence because she did not have adequate child care provisions and because she was nursing the baby. Ms. Hams thought her request would be approved because she knew of instances in which the company had granted leaves of absence to employees for education and family illness. According to Ms. Hams, when the leave was denied, she went to a lawyer who told her about the new EEOC guidelines. Meanwhile, because of an hereditary family illness, her union suggested that she obtain a letter from her pediatrician saying that it was medically necessary for her to nurse the baby.

Armed with the pediatrician's letter, the lawyer's advice, and accompanied by her union steward, Ms. Hams requested the leave a second time. One day later the leave was granted, not according to the EEOC provisions for nonmedical child care leave, but for the special case of medically necessary nursing. Although this decision allowed Ms. Hams to take a 6-month, unpaid leave of absence, she believes that its reasoning allows the company to avoid setting a precedent for nonmedical child care leave.

There are two other ways in which the EEOC's language is ambiguous regarding the applicability of Title VII to nonmedical child care leave. First, Question 18(A) in the appendix to the EEOC guidelines asks about leave for "child care." However, by giving an answer with specific reference to "infant care," the EEOC creates an unnecesssary ambiguity about what age limits, if any, apply and about who will determine such age limits—the parents, the employers, or the EEOC. Second, the EEOC does not state explicitly whether these guidelines apply to fathers as well as mothers and, if so, whether both or only one may claim such leave.

An important issue that restricts the applicability of Title VII and its amendments to child care policy is that employers and educational institutions are required only to extend existing benefit coverage to pregnancy disability and to leave granted for child care purposes.

Employers do not have to offer a comprehensive disability plan. The vast majority of pregnant, employed women do not receive disability wages and will not receive them under the 1978 amendment, since only five States require employers to contribute to payment of disability wages or some cash benefit in lieu of wages to temporarily disabled workers.[25]

Ordinary Title VII principles require only that an employer grant child care leave on the same basis as other nonmedical leave. Thus, the majority of available leave would be unpaid, and that will decrease the number of persons who can afford to take advantage of leave even if it is offered. Single parents and parents in two-earner families with low incomes are among those least able to afford unpaid leaves for child care. In most two-parent families, the largest proportion of income is supplied by the husband.[26] This means that unpaid leave discourages parental sharing of child care responsibilities, because it is economically unsound for the husband to stay at home. In addition, many employers simply do not grant nonmedical leave for any purpose, and therefore would not be required to grant child care to their employees.

[23] 42 U.S.C. §§2000e–2000e–17 (1976 and Supp. 1978).
[24] Marcia Hams, telephone interview, Apr. 24, 1980.
[25] 1 B C.C.H. Unempl. Ins. Rep. @2510. *See, e.g.* Cal. Unemp. Ins. Code §§2601–3272. (West 1972 & Supp. 1979) and N.Y. Work. Comp. Law §§200–242. (McKinney 1965 & Supp. 1979–1980).
[26] U.S., Department of Labor, Bureau of Labor Statistics, *U.S. Working Women: A Databook*, (Washington, D.C.: Government Printing Office, 1977), p. 38(table 1).

Federal Contract Compliance (Revised Order No. 4)

Executive Order 11246,[27] as amended in 1968 by Executive Order 11375,[28] prohibits Federal contractors and subcontractors from discriminating against their employees or applicants for employment on the basis of race, color, religion, sex, or national origin. The Office of Federal Contract Compliance Programs of the U.S. Department of Labor is responsible for coordination and oversight of the contract compliance process. In 1971 it issued guidelines, known as Revised Order No. 4,[29] which require contractors to establish and maintain affirmative action programs to eliminate and prevent discrimination.

Revised Order No. 4 appears to be the only instance in which the Federal Government directly recognizes child care as a component of an affirmative action plan. However, it does so as a suggestion rather than as a requirement. Revised Order No. 4 suggests that in the development and execution of affirmative action programs, employers "encourage child care, housing, and transportation programs appropriately designed to improve the employment opportunities of minorities and women."[30] In order to strengthen affirmative action policy in this area, OFCCP could require that employers demonstrate support for child care through a variety of actions such as granting child care leave, supporting child care facilities, or establishing alternative work schedules for employees with child care responsibilities.

Federal Employment: Alternative Schedules for Work

One of the most direct ways in which the Federal Government can promote equal opportunity for women is in its role as an employer. Federal employment practices can make it more or less difficult for employees with children to balance the demands of family and employment. Though not designed exclusively with parental needs in mind, two recent Federal initiatives in alternative work schedules may make it easier for mothers and fathers to accomplish this balancing act, thereby enhancing equal opportunity for women.

Federal Employees Flexible and Compressed Work Schedules Act of 1978[31]

One option that provides flexibility for families in coordinating child care and work without reducing the total hours of work is a change in the standard 40-hour, 5-day work week. Currently, about 1.2 million employees in 10,000 organizations are on schedules that compress the standard work week into 3 or 4 longer days.[32] Considerably fewer employees (estimates range from 300,000 to 1 million) are using flexible schedules.[33] One version of flexitime is a system in which all employees work "core hours" during the day, but specific starting and quitting times are replaced by a "flexible band" of several hours from which workers can choose according to their needs.[34] In other flexible systems workers can bank and borrow hours over longer periods of time.[35] European countries, where much larger percentages of the labor force use flexible schedules, have begun to experiment with "working-year-contracts" where the number of hours to be worked in a given year is established through collective bargaining and the employee chooses when to work those hours.[36]

The impetus for expanding the use of flexible schedules in the U.S. came "primarily from management seeking improvements in worker morale and output per unit of labor and capital investment."[37] A Government Accounting Office (GAO) survey of 20 Federal contractors who had used flexible schedules showed that the advantages most frequently named by management officials were better employee morale, reduced absenteeism, increased productivity, reduced overtime costs, decreased tardiness, and reduced traffic congestion.[38] Similar reasons for using compressed schedules and flexible hours were

[27] 3 C.F.R. 339 (1964–1965 Comp.).
[28] 3 C.F.R. 684 (1966–1970 Comp.), as amended by Exec. Order No. 12086, 43 Fed. Reg. 46501 (1978).
[29] 41 C.F.R. §60–2 (1979).
[30] *Id.*, §60–2.24(h) (1979).
[31] 5 U.S.C.A. §6101 (Supp. 1979).
[32] U.S., Congress, House of Representatives, *Federal Employees Flexible and Compressed Work Schedules Act of 1978*, H. Rep. No 95–912, 95th Cong., 2nd sess., p. 9, *reprinted in* [1978] U.S. Code Cong. and Admin. News 1895, 1902.
[33] Ibid.
[34] Janice Hedges, "Flexitime Schedules: Problems and Issues," *Monthly Labor Review* (February 1977), p. 63.
[35] See U.S., Congress, House of Representatives, Comm. on Post Office and Civil Service, Subcomm. on Employee Ethics and Utilization, *Part-Time Employment and Flexible Work Hours: Hearings on H.R. 1627, H.R. 2732, and H.R. 2930*, serial no. 95–28, 95th Cong., 1st sess., (1977), p. 61 (statement of James M. Pierce), (hereafter cited as *Part-Time Employment and Flexible Work Hours).*
[36] Bernhard Jeriet, "Flexiyear Schedules—Only a Matter of Time," *Monthly Labor Review* (December 1977), p. 63
[37] Hedges, "Flexitime Schedules," p. 62.
[38] U.S., Congress, Senate, Committee on Labor and Human Resources, Subcomm. on Employment, Poverty, and Migratory Labor, *Changing Patterns of Work in America, 1976: Hearings: on Examination of Alternative Working Hours and Arrangements*, 94th Cong., 2nd sess. (1976), p. 101

found by other researchers who conducted small scale surveys of companies.[39] However, Janet Giele, senior research associate at the Florence Heller School of Social Work Studies at Brandeis University, and Hilda Kahne, professor of economics at Wheaton College in Norton, Massachusetts, point out, there are also obvious advantages for working parents with child care responsibilities:

> . . .benefits result not only from the ability to meet the unpredictable time demands that accompany multiple responsibilities—whether because of an ill infant, a missed school bus, a needy parent, an emergency board meeting—but equally important, they include the lessened tension of daily living that comes with the knowledge that such time is available, if needed.
>
> Flexible hours make it possible to accept jobs of increasing responsibility, knowing that job performance rather than rigid hour scheduling is the criterion by which one's performance is judged. . . .potentially costly discontinuities in work histories can be avoided.[40]

Passage in 1978 of the Federal Employees Flexible and Compressed Work Schedules Act requires each Federal agency to participate, over a 3-year period, in one or more experiments using nonstandard schedules for Federal employees at all grade levels.[41] A study by the Office of Personnel Management, the "Alternative Work Schedules Project," will evaluate the effect of the experimental legislation and report its findings to the Congress and the President with a recommendation as to whether permanent legislation on alternative schedules should be passed.[42] In its assessment of the effect of flexible schedules on the "quality of life," the study will ask employees questions about child care; it is not clear, however, whether the study will yield data about the impact of flexible scheduling in equal opportunity for women.[43]

Federal Employees Part-Time Career Employment Act of 1978

Conditions in the part-time labor market are often poor and there are difficulties in upgrading part-time jobs. Nevertheless, a majority of mothers with children under 18 are employed or have to be employed less than year round, full time.[44] It is likely that the demand for part-time work will continue to grow,[45] and it is not known how many women or men who are not in the labor force or who are working full time would take a part-time job if it were available under acceptable conditions.[46]

Employers say that the major barrier to creating good part-time jobs is the per person cost of hiring additional employees. Hiring two part-time employees instead of one full-timer probably doubles the employer's costs for recruitment and training.[47] This may make it difficult to stimulate part-time job creation, especially in better-paying administrative, management, and professional jobs that require considerable on-the-job training.[48] The costs of fringe benefits and payroll taxes for employers who hire part-time workers may also be higher.[49] However, economist Carol Greenwald has noted that many benefits can be prorated for part-time employees, and that the actual extra cost to employers in benefits and payroll taxes can be minimal.[50]

Within the Federal Government, part-time work has been an established practice.[51] With the Federal Employees Part-Time Career Employment Act of 1978,[52] the Congress aimed at increasing the opportunities for part-time work at all grade levels.[53] There is no single evaluation study of part-time legislation, but the U.S. Office of Personnel Manage-

(Report to Congress of the Comptroller General "Contractor's Use of Altered Work Schedules for Their Employees—How Is It Working?") (hereafter cited as *Changing Patterns of Work in America).*

[39] Ibid., pp. 111-114.

[40] U.S., Congress, House of Representatives, Select Comm. on Aging, *Women in Midlife-Security and Fulfillment (Part I): A Compendium of Papers,* 95th Cong., 2nd sess., (1978), p. 169 ("Meeting Work and Family Responsibilities: Proposals for Flexibility," by Janet Giele and Hilda Kahne).

[41] 5 U.S.C.A. §6101 (Supp. 1979).

[42] Jim Hesling, Former Program Director at the Alternative Work Schedules Project, Office of Personnel Management, telephone interview, Dec. 12, 1979.

[43] Ibid.

[44] Elizabeth Waldman, Allyson Sherman Grossman, Howard Mayghe, and Beverly L. Johnson, "Working Mothers in the 1970's: A Look at the Statistics," *Monthly Labor Review* (October 1979), p. 44 (table 5).

[45] Jeremy Main, "Good Jobs Go Part Time," *Money,* October 1977, pp. 80-86; Nancy S. Barrett, "Women in the Job Market: Unemployment and Work Schedules," ed. Ralph Smith, *The Subtle Revolution* (Washington, D.C.: Urban Institute, 1979), pp. 84-85.

[46] Ralph Smith, "The Effects of Hours Rigidity on the Labor Market Status of Women," *Urban and Social Change Review,* vol. 11, nos. 1 & 2, (1978), p. 45.

[47] *Changing Patterns of Work in America,* p. 469 (statement of Isabel Sawhill).

[48] Ibid.

[49] Ibid., p. 470.

[50] Carol S. Greenwald, "Part-time Work," in Ann Foote Cahn, (ed.), *Women in the U.S. Labor Force* (New York: Praeger, 1979), p. 184.

[51] 5 U.S.C.A. §3402 (Supp. 1979).

[52] 5 U.S.C.A. §§3401-3408 (Supp. 1979).

[53] Edward P. McHugh, Personnel Policy Officer, Office of Personnel Management, telephone interview, Dec. 13, 1979.

ment is carrying out several research projects related to part-time work.[54] No data that links part-time work to equal opportunity is available yet, but its potential for affecting women is great since 80 to 85 percent of Federal part-time employees are women.[55]

One attempt by Congress to encourage the private sector to hire more part-timers was a bill (H.R. 2402)[56] introduced in 1977 by Representative Barber Conable (R-New York) to give employers a tax credit for hiring part-time workers. To date, no such bill has passed. Successful legislation to increase part-time opportunities in the private sector will be difficult to achieve because hiring part-time employees is believed to increase the per capita taxes of employees, including unemployment compensation, worker's compensation, and social security.

[54] Ibid.

[55] *Changing Patterns of Work in America*, pp. 38-39, 41-43, (testimony of Hyman L. Kreiger).

[56] H.R. 2404, 95th Cong. 1st Sess., introduced by Rep. Barber Conable (R-N.Y.), Jan. 26, 1977.

Summary

The development of equal opportunity policy over the last 15 years by Federal statutes, court decrees, and agency actions has produced notable gains in women's labor force participation and educational enrollment. Nevertheless, it remains clear that the Federal goal of equal opportunity for women has not been realized.

Women as workers and students, especially minority women, continue to be disadvantaged when compared with men. Women have considerably more difficulty than men in securing employment; when they are employed, they are segregated disproportionately in low-paying, dead-end jobs and, on the average, they earn only about three-fifths of what men do. Women are much less likely than men to complete college or to receive advanced training, and they are underrepresented in Federal employment and training programs.

Our national employment and education policy carries a double message for women. On the one hand, the laws against sex discrimination and the national commitment to a full employment economy say that women have a legal right to equality of opportunity. On the other hand, the failure to use those laws to strike down practices that are sex discriminatory because they interfere with raising children places equality of opportunity out of women's reach. In effect, women are told that equal opportunity means applying the sex-biased rules of the labor market and of educational institutions equally to men and women, but that it does not mean changing any of those rules so that they are fair to women.

Although researchers have suggested that responsibility for child care constitutes one of several significant barriers to women's equal opportunity, attention to child care has not been central to Federal equal opportunity policy. Revised Order No. 4 is the only equal employment opportunity regulation that specifically mentions child care, and it advises, but does not require, that Federal contractors "encourage child care. . .designed to improve the employment opportunities for minorities and women."[1] The prohibition of pregnancy discrimination in the 1978 amendments to Title VII of the Civil Rights Act of 1964 makes leave related to childbirth possible for some women, but does not deal with nonmedical leave for child care.[2]

This report has examined, in a more specific and systematic way than has been done to date, the relationship between the Federal goal of women's equal opportunity and the Federal Government's programs and policies for child care. It has looked at three dimensions of Federal child care activity: programs and policies that have, as their primary purpose, assisting families with child care; provisions for child care attached to the major Federal employment, training, and education programs; and mechanisms through which the Federal Government, via selected aspects of its existing equal opportunity policy and via its role as an employer, might better enable parents to combine child care and employment responsibilities.

[1] 41 C.F.R. 60-2.24(h) (1979).

[2] 42 U.S.C.A. §2000e(k)(Supp. 1974-1979).

It is clear from this review that the United States has no cohesive or well-articulated Federal child care policy. Instead it has an assortment of federally supported programs established for varying reasons—educational needs of children, social services needs of parents, labor force needs of the economy—that parents use, nonetheless, so that they can take paid work or prepare for work. This assortment of programs is targeted, for the most part, to low-income families; it comprises a system that is inadequate to meet the current or projected need for child care.

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